By Mr. DENVER: A bill (H. R. 26104) for the relief of Loren W. Greeno; to the Committee on Naval Affairs.

By Mr. HAWLEY: A bill (H. R. 26105) granting an increase of pension to Isaac V. Vossman; to the Committee on Pensions.

By Mr. MAYS: A bill (H. R. 26106) for the relief of the heirs at law of Bartlett Baker and others; to the Committee on Claims.

By Mr. O'SHAUNESSY: A bill (H. R. 26107) granting an increase of pension to Michael Fitzgerald; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 26108) for the relief of Patrick H. Murphy, alias Henry Watson; to the Committee on Military Affairs.

By Mr. SLOAN: A bill (H. R. 26109) granting an increase of pension to William Barker; to the Committee on Invalid Pensions.

By Mr. J. M. C. SMITH: A bill (H. R. 26110) granting an increase of pension to Charles E. Hillis; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 26111) granting an increase of pension to Daniel K. Gillett; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Memorial of Washington Camp, No. 22, Patriotic Order Sons of America, Berkeley Springs, W. Va., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. AYRES: Memorial of the National Association of Talking-Machine Jobbers, of Pittsburgh, Pa., against passage of the Oldfield bill; to the Committee on Patents.

By Mr. BARTHOLDT: Petition of E. C. Rouse, of St. Louis, Mo., favoring passage of House bill 22589, providing for embassy buildings abroad; to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of the Committee on Railway Mail Pay, of New York City, against changing basis for railway mail pay; to the Committee on the Post Office and Post Roads.

By Mr. MOTT: Memorial of the National Association of Talking-Machine Jobbers, of Pittsburgh, Pa., against passage of the Oldfield bill; to the Committee on Patents.

Also, petition of the Inventors' Guild of New York City, favoring the creation of a patent commission; to the Committee on Patents.

Also, memorial of the Committee on Railway Mail Pay, against changes in the basis for railway mail pay; to the Committee on the Post Office and Post Roads.

Also, petition of W. Atlee Burpee, of Philadelphia, Pa., favoring passage of the Sulzer parcel-post bill (H. R. 26006); to the Committee on the Post Office and Post Roads.

By Mr. PARRAN: Memorial of Keystone Council, No. 11, Order of Independent Americans, of Manayunk, Philadelphia, Pa., favoring passage of House bill 25309, requiring the flag of the United States to be displayed on all lighthouses of the United States and insular possessions; to the Committee on International and Foreign Commerce.

By Mr. PRAY: Memorial of the Grand Commandery, Knights Templar, of Montana, favoring passage of House joint resolution 271, permitting emblems or insignia to be inscribed on monuments, tombstones, etc.; to the Committee on Military Affairs.

By Mr. RAKER: Petition of the Committee on Railway Mail Pay, of New York City, against changing the basis for railway mail pay; to the Committee on the Post Office and Post Roads.

Also, memorial of the National Association of Talking Machine Jobbers, of Pittsburgh, Pa., against passage of the Oldfield bill (H. R. 23417); to the Committee on Patents.

By Mr. SLOAN: Petition of citizens of the State of Nebraska, favoring prohibiting sectarian garb in Indian schools; to the Committee on Indian Affairs.

By Mr. SULZER: Petition of the Committee on Railway Mail Pay, against changing the basis for railway mail pay; to the Committee on the Post Office and Post Roads.

Also, petition of the National Association of Talking Machine Jobbers, of Pittsburgh, Pa., against passage of the Oldfield bill, proposing change in patent laws; to the Committee on Patents.

Also, petition of De Cappet & Doremus, of New York City, favoring passage of bill to provide additional aids to navigation; to the Committee on the Merchant Marine and Fisheries.

By Mr. TILSON: Memorial of the National Association of Talking Machine Jobbers, of Pittsburgh, Pa., against passage of the Oldfield bill; to the Committee on Patents.

By Mr. WILSON of New York: Memorial of the National Association of Talking Machine Jobbers, of Pittsburgh, Pa., against passage of the Oldfield bill, proposing change in patent laws; to the Committee on Patents.

SENATE.

SATURDAY, *August 3, 1912.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. GALLINGER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ESTIMATE OF APPROPRIATION (S. DOC. NO. 893).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Attorney General, submitting an item for inclusion in the general deficiency appropriation bill authorizing the disbursing clerk of the Department of Justice to pay from the appropriation for "salaries, fees, and expenses of marshals, United States courts, 1912," the salary of Creighton M. Foraker for acting as United States marshal, and W. R. Forbes for acting as chief office deputy marshal, from January 7 to March 1, 1912, the interim being between the admission of the Territory of New Mexico to statehood and the appointment of a marshal by the court, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 103) directing the Secretary of State to investigate the claims of American citizens growing out of the late insurrection in Mexico, to determine the amounts due, if any, and to press them for payment.

The message also announced that the House had passed a bill (H. R. 25034) to reduce the duties on manufactures of cotton, in which it requested the concurrence of the Senate.

MEMORIAL.

Mr. KERN presented a memorial of members of the Business Men's Association of Lebanon, Ind., remonstrating against the passage of the proposed parcel-post bill, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. BRISTOW, from the Committee on Military Affairs, to which was referred the bill (H. R. 606) for the relief of John Treffeisen, reported it with amendments and submitted a report (No. 1009) thereon.

Mr. HITCHCOCK, from the Committee on Military Affairs, to which was referred the bill (H. R. 19190) for the relief of John P. Risley, reported it with an amendment and submitted a report (No. 1010) thereon.

Mr. DILLINGHAM, from the Committee on Privileges and Elections, to which was referred the bill (S. 3315) to prohibit corporations from making contributions in connection with political elections and to limit the amount of such contributions by individuals or persons, reported it with an amendment and submitted a report (No. 1011) thereon.

INTERNATIONAL CONGRESS ON HYGIENE AND DEMOGRAPHY.

Mr. WARREN. From the Committee on Appropriations I report back favorably without amendment the joint resolution (S. J. Res. 126) authorizing Federal bureaus doing hygienic and demographic work to participate in the exhibition to be held in connection with the Fifteenth International Congress on Hygiene and Demography, to be held at Washington, September 16 to October 4, 1912. I ask the attention of the Senator from New Hampshire [Mr. GALLINGER] to the reading of the joint resolution.

Mr. GALLINGER. After the joint resolution has been read, I will ask unanimous consent for its consideration. I think there will be no objection to it.

The PRESIDENT pro tempore. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL INTRODUCED.

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 7419) increasing the limit of cost of the post-office building at St. Petersburg, Fla.; to the Committee on Public Buildings and Grounds.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. JONES submitted an amendment proposing to appropriate $55,000 for the protection of buildings and property of the United States at Valdez, Alaska, from glacial floods, etc., intended to be proposed by him to the general deficiency appropriation bill (H. R. 25970), which was referred to the Committee on Appropriations and ordered to be printed.

CLAIMS OF GOVERNMENT EMPLOYEES.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 23451) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims for damages to and loss of private property, which was ordered to be printed and, with the accompanying paper, ordered to lie on the table.

THE JUDICIAL RECALL (S. DOC. NO. 892).

Mr. McCUMBER. I present an article on the judicial recall by Rome G. Brown, attorney at law of Minneapolis, containing also other references to this subject, which I consider very important. I ask that it be printed as a public document.

The PRESIDENT pro tempore. The Senator from North Dakota asks that the paper, the nature of which he has stated, shall be printed as a public document. Is there objection? The Chair hears none, and it is so ordered.

HOUSE BILL REFERRED.

H. R. 25034. An act to reduce the duties on manufactures of cotton was read twice by its title and referred to the Committee on Finance.

SOLDIERS' HOME AT LOS ANGELES, CAL.

Mr. WORKS. Mr. President, more than six months ago I introduced a resolution (S. Res. 160) calling for an investigation of the soldiers' home at Los Angeles, Cal. The resolution was referred in the first instance to the Committee on Contingent Expenses. I understand the committee referred the matter upon its merits to the Committee on Military Affairs. I understand also that it was referred to a subcommittee, and that that subcommittee some time ago made its report.

It is a matter which should be investigated now, if it is ever to be investigated. The conditions are such that I think there should be no delay with respect to it. The old soldiers in that home ought not to be allowed to live or die in the condition that, according to my information, exists at the soldiers' home.

I therefore inquire of the chairman, or any member of that committee who may be present, what the prospect is of having some report on the resolution, if any member of the committee here is prepared to answer.

Mr. WARREN. The chairman of the committee does not seem to be here. While I am the next ranking member I have not had my attention called to this matter. I am not on the subcommittee that has considered it, and I am unable to give the Senator any information. Possibly some other member of the committee may do so.

Mr. BRISTOW. I understand the resolution was referred to a subcommittee, but the subcommittee, as I understand it, has not yet reported to the full committee, but I think it is about ready to report. The matter was taken up and discussed by members of the subcommittee at a meeting of the full committee, I think the last meeting, and I believe at least one member of the subcommittee stated that they are practically ready to file a report with the full committee.

Mr. WORKS. I may have been misinformed as to the fact of the report having been made. I knew the subcommittee had agreed upon a report, and my information was that they had reported to the full committee.

Mr. BRISTOW. The subcommittee may have agreed on a report, but my recollection is that it has not yet made its report to the full committee.

Mr. WORKS. I bring the matter before the Senate more to attract the attention of members of the committee to it. In my judgment speedy action should be taken in respect to it, if any action is to be taken at all.

CONDITION OF MILL WORKERS AT LAWRENCE, MASS.

Mr. POINDEXTER. I ask the unanimous consent of the Senate, Mr. President, that 1,000 additional copies of the report of the Commissioner of Labor on the Lawrence strike be ordered printed for the use of the Senate. (S. Doc. No. 870.)

The PRESIDENT pro tempore. The Senator from Washington asks that 1,000 extra copies of the report upon the Lawrence strike shall be printed for the use of the Senate. Is there objection?

Mr. GALLINGER. I will ask the Senator how many copies were printed. I have had some calls for it and have been unable to supply them. Was it a small edition?

Mr. POINDEXTER. There have been a vast number of calls, and I understand that only 200 copies were printed.

Mr. GALLINGER. I was informed at the document room that I had 2 copies to my credit. Of course, we ought to have more than that number. I have not examined the document, but I imagine that it is of sufficient merit to have a reasonable number printed. Perhaps 1,000 copies will be enough; I do not know.

Mr. SMOOT. About 1,274 copies were printed, but I suppose that would give each Senator only 2 copies. The only reason why I bring this to the Senator's attention now is that if the additional copies cost more than $500, the printing will have to be ordered by a joint resolution. If the Senator will just give me a very little time I will find out what the additional copies would cost and bring it to his attention and agree to whatever number is necessary.

Mr. POINDEXTER. That is entirely satisfactory.

Mr. SMOOT. I have no objection to the printing of a thousand additional copies if the cost does not reach beyond the amount that under the law requires a joint resolution to cover it.

Mr. POINDEXTER. What do I understand the Senator to state that the printing of the usual number cost?

Mr. SMOOT. It cost four thousand three hundred and some odd dollars. So it is my opinion that it will require a joint resolution to print the additional copies.

Mr. OVERMAN. Mr. President, this conversation has been going on for about 10 minutes and I have not heard a word of it.

Mr. SMOOT. I ask the Senator from Washington to let the matter go over and we will see into it.

The PRESIDENT pro tempore. Senators complain that they do not hear what the Senators are saying.

Mr. POINDEXTER. I do not know whether it is the fault of the Senator who does not hear or the fault of the Senator who is speaking. Perhaps it is the fault of the acoustic properties of the hall.

Mr. OVERMAN. The debate has been proceeding in a very low tone of conversation, and we on this side would like to know what is going on.

Mr. SMOOT. I will state to the Senator that the Senator from Washington requested that 1,000 additional copies of the public document referring to conditions at the mills at Lawrence should be printed. I have no objection to the printing of 1,000 extra copies or whatever number the Senate may desire, but I do believe that the cost of printing a thousand copies will be more than $500, and if so, a joint resolution of the two Houses will be required. I simply asked the Senator from Washington to let the matter go over until I could find out what 1,000 copies would cost and bring it to his attention, and then he can bring it before the Senate in the proper way.

Mr. POINDEXTER. I wish to call the attention of the Senator from Utah to the fact that I am informed by the Government Printing Office that the document is now about ready to be printed, and whatever number is going to be printed ought to be known now and the printer instructed, so that when the edition is printed he may print the proper number.

Mr. SMOOT. That is quite true.

Mr. POINDEXTER. I wish to make one further remark. If it requires a joint resolution of the Senate and House, the House will probably need and claim a portion of them and there ought to be, in that case, more than a thousand additional copies ordered.

Mr. SMOOT. They could amend the joint resolution to whatever number they might desire.

Mr. POINDEXTER. If the Senator will give his attention to the matter of which he speaks promptly, so that the additional copies can be printed, I will not insist upon the motion now.

Mr. SMOOT. I will give the Senator the information within 15 minutes.

The PRESIDENT pro tempore. The Senator from Washington withdraws the motion for the present.

Mr. SMOOT subsequently said: Mr. President, this morning the Senator from Washington [Mr. POINDEXTER] asked for an order to print 1,000 additional copies of the report on the Lawrence strike. I did not know at that time whether that number could be printed within the limit under the law. I find that it can be printed if ordered immediately with the first order. Therefore, I ask that 1,000 extra copies of Senate Document 870 be printed for the use of the document room.

Mr. POINDEXTER. While on this subject, I understood that over 1,200 copies had been printed before, and only 2 copies were distributed to each Senator.

Mr. SMOOT. They are distributed under the law, so many going to the libraries of the country and so many to each Rep-

resentative and Senator. That is the way they are distributed whenever it is made a public document. In this order I understand that the Senator desires to have the copies for the use of the Senate, and therefore I made the request that it be printed as a Senate document.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That 1,000 additional copies of Senate Document 870, being the report on the Lawrence strike, be printed for the use of the Senate document room.

THE METAL SCHEDULE.

Mr. PENROSE. Mr. President, it is quite important, in order to facilitate the meetings of conferees on other tariff bills, that the conference report on the metal bill should be submitted to the Senate. I understand that this course meets the approval of the Senator from North Carolina [Mr. SIMMONS].

Mr. SIMMONS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from North Carolina suggests the absence of a quorum. The Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Dillingham	Martine, N. J.	Simmons
Bacon	Fletcher	Massey	Smith, Ga.
Bankhead	Gallinger	Nelson	Smith, Mich.
Borah	Gronna	O'Gorman	Smith, S. C.
Bourne	Guggenheim	Overman	Smoot
Brandegee	Johnson, Me.	Page	Sutherland
Bristow	Johnston, Ala.	Penrose	Thornton
Bryan	Jones	Perkins	Tillman
Burnham	Kern	Poindexter	Townsend
Burton	La Follette	Pomerene	Warren
Clark, Wyo.	Lodge	Reed	Watson
Crawford	McCumber	Sanders	Works
Cullom	Martin, Va.	Shively	

Mr. BOURNE. Mr. President, I desire to announce that my colleague [Mr. CHAMBERLAIN] is unavoidably detained on official business, and that he has a general pair with the junior Senator from Pennsylvania [Mr. OLIVER].

Mr. THORNTON. I desire to announce the necessary absence of my colleague [Mr. FOSTER]. I ask that this announcement may stand for the day.

Mr. MARTINE of New Jersey. I was requested to announce that my colleague [Mr. BRIGGS] is unavoidably detained from the session of the Senate.

The PRESIDENT pro tempore. On the call of the roll of the Senate 51 Senators have responded to their names, and a quorum of the Senate is present.

Mr. PENROSE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, with Senate amendments, having met, after full and free conference have decided to report and do report to their respective Houses as follows:

That the conferees have been unable to agree on amendments numbered 3 and 4.

BOIES PENROSE,
H. C. LODGE,
F. M. SIMMONS,
Managers on the part of the Senate.

O. W. UNDERWOOD,
A. MITCHELL PALMER,
SERENO PAYNE,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

Mr. GRONNA. Mr. President——

Mr. SIMMONS. I move that the Senate recede from its amendments.

Mr. PENROSE. I ask for the yeas and nays on that motion.

Mr. OVERMAN. I suggest the absence of a quorum.

Mr. PENROSE. That same suggestion has been recently made, and the roll called.

Mr. OVERMAN. I know that; but I think the Senator will agree that there are very few on this side of the Chamber.

The PRESIDENT pro tempore. The Senator from North Carolina suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	Martin, Va.	Simmons
Bacon	Cullom	Martine, N. J.	Smith, Ariz.
Bankhead	Dillingham	Massey	Smith, Ga.
Borah	Fletcher	Myers	Smith, Mich.
Bourne	Gallinger	O'Gorman	Smith, S. C.
Brandegee	Gronna	Overman	Smoot
Bristow	Guggenheim	Page	Sutherland
Bryan	Johnson, Me.	Penrose	Swanson
Burnham	Johnston, Ala.	Perkins	Thornton
Burton	Jones	Poindexter	Tillman
Chamberlain	Kern	Pomerene	Townsend
Clapp	La Follette	Reed	Warren
Clark, Wyo.	Lodge	Sanders	Watson
Crane	McCumber	Shively	

Mr. WATSON. I desire to announce the absence of my colleague [Mr. CHILTON], on account of illness.

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 55 Senators have responded to their names. A quorum of the Senate is present. The question is——

Mr. GRONNA. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota rise to this question?

Mr. GRONNA. I rise to this particular question. Mr. President, I wish to address myself to the conference report.

The PRESIDENT pro tempore. The Senator will suspend until the Chair states the pending question to the Senate. The question before the Senate is on the motion of the Senator from North Carolina [Mr. SIMMONS] that the Senate recede from its amendments. The Senator from North Dakota has the floor.

Mr. PENROSE. If the Senator from North Dakota will permit me——

Mr. SIMMONS. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator from North Carolina will state his parliamentary inquiry.

Mr. SIMMONS. I desire to inquire whether my motion to recede should be preceded by a motion to agree to the conference report, which is a report to the Senate of the disagreement on the part of the conferees.

The PRESIDENT pro tempore. The Chair is of the opinion that it does not have to be preceded by such a motion, but if there is a precedent to the contrary the Chair is ready to conform to it.

Mr. PENROSE. Mr. President, if the Senator from North Dakota [Mr. GRONNA] will permit me one moment, for the information of the Senate, as it has been, I believe, nearly two months since this bill passed the Senate, I will state that the question now before the Senate is that the Senate should recede from the amendment repealing what is known as the reciprocity bill, which was attached to the metal bill by the Senate. In the numerous tariff transactions which have occurred since the metal bill was passed, I think it well to remind the Senate of the exact status of this particular measure. The question is on the Senate receding from the amendment repealing the reciprocity act.

The PRESIDENT pro tempore. The Senator from Pennsylvania correctly states the question. If it is desired, the amendment from which it is proposed to recede will be read to the Senate.

Mr. PENROSE. I ought to say, Mr. President, that the second amendment in disagreement is merely the numbering of a paragraph, the introduction of the amendment repealing the reciprocity act having required a change in the numbering of the paragraphs.

Mr. GRONNA. Mr. President, it is not my purpose to detain the Senate this morning for any considerable length of time, but I do wish to know what is intended by Senators on the other side of the Chamber so far as the reciprocity amendment is concerned. I understand that the purpose is to move that the Senate recede from its amendment providing for the repeal of the reciprocity act. I should like to know what opportunity there will be, or if there will be any opportunity, to have the measure reported by the Senator from Idaho [Mr. HEYBURN], repealing the reciprocity act, taken up and passed during this session. I am not stating it as a fact, but I apprehend, Mr. President, that the amendment providing for the repeal of the reciprocity act will be retained on such bills as the President is sure to veto. I never offered the reciprocity amendment to any bill for the purpose of defeating the bill. I am interested in the measure itself and to help, so far as I am able, to do justice to the struggling millions in this country.

You may think you can fool the American farmer, but I want to say to you that you can not. Are we to eliminate the reciprocity amendment from all such bills as by a possibility the

President might approve, and leave it on a measure the President is sure to veto?

I do not know whether I have a right to ask the question or not, and if I do not have the right I shall be glad to withdraw it, but I should like to know from Senators on the other side of the Chamber, and especially from the Senator having this bill in charge, what opportunity, if any, will be afforded to pass as an independent measure the bill providing for the repeal of the reciprocity act?

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. GRONNA. I do.

Mr. SIMMONS. In reply to the inquiry of the Senator from North Dakota, with respect to some independent measure dealing with the repeal of the reciprocity act, I can only say to him that I myself have not any knowledge of the attitude of Senators on this side of the Chamber with reference to the measure to which he refers. I understand that the Senator from Idaho [Mr. HEYBURN] has reported a bill of that character, but what opportunity will be afforded to vote upon that bill and what will be the attitude of this side of Chamber with reference to it, I am not authorized to say.

The Senator has just stated that it is proposed to retain the amendment repealing the reciprocity act upon a bill which the President would be sure to veto. Mr. President, two of the tariff bills which have been passed had attached to them this amendment to repeal the reciprocity act. One is the bill now before the Senate, known as the metal bill, and the other is the excise bill. The Senator has expressed the opinion, as I understood him, that the President would veto the excise bill. I do not know what the President will do in reference to that bill; but has the Senator any reason to suppose that the President is more likely to veto the excise bill than he is to veto the metal bill now under consideration? The statement has been made by Senators on the other side, professing to speak for the President, that the President has already made up his mind and has probably notified the steel producers and manufacturers of this country, that if the metal bill were sent to him he would veto it. That is not a part of our business, however. I am simply answering the suggestion of the Senator from North Dakota.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. Certainly.

Mr. GALLINGER. Will the Senator specify any Senator on this side who has made a declaration of that kind?

Mr. SIMMONS. I could do so, but I do not care to.

Mr. GALLINGER. It must have been in private conversation.

Mr. SIMMONS. For that reason I decline to give the name of any Senator who has spoken to me in reference to it.

Mr. GALLINGER. I simply want to put in the RECORD the fact that no such declaration has ever been made on the floor of the Senate on this side of the Chamber.

Mr. SIMMONS. No such declaration has been made on the floor of the Senate, and I have not said that any such declaration has been made on the floor of the Senate; but I was advised yesterday—I am not now speaking about any conversation I have had with Senators on the other side about this matter—but I was advised yesterday by a newspaper man that the President had authorized the statement to be made to the manufacturers of Pennsylvania that he would veto it and that they could rely upon his doing so. That is a mere rumor, and I am not vouching for it.

Mr. GALLINGER. A mere newspaper statement.

Mr. SIMMONS. All I can assure the Senator with respect to this matter is that there will be action on the part of the conferees upon the excise bill. The conferees have been appointed; they have had a preliminary conference, and they will on Monday or Tuesday meet and act. I can assure the Senator that when that bill comes before the Senate—and it will come before the Senate as it will come before the House, and I think I can say it will be acted upon by the House and by the Senate, and when that action is taken the Senator will have an opportunity to vote for the repeal of at least a part of the reciprocity act, that part in which the Senator is interested and in which the millions of farmers for whom he says he is speaking are interested. I can give the Senator that assurance, but further than that I am unable to go.

Mr. GRONNA. Mr. President, I thank the Senator from North Carolina for his frank statement. I have no right to speak for nor do I propose to speak for the President of the United States. I do not know what he intends to do, but I have a right to my opinion as to what he will do. I believe the reciprocity act should be repealed, and believe the Democrats should face that proposition the same as they should face every other question, unafraid and frankly. I do not believe that Democrats can hope to be successful at the polls by passing bills, or by refusing to repeal an act that discriminates against the many in the interest of a few—in the interest of corporations, which are absolutely in control of the great industries of this country.

Mr. PENROSE. Mr. President, will the Senator permit me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Pennsylvania.

Mr. GRONNA. Yes.

Mr. PENROSE. Can the Senator from North Dakota imagine any reason which would render a provision repealing the reciprocity act objectionable on the metal bill and not objectionable on the excise bill? If it is a good amendment to the excise bill, why is it not a good amendment to the metal bill?

Mr. GRONNA. Well, Mr. President, I would much prefer to see the amendment on the sugar bill.

Mr. MCCUMBER. Mr. President, if my colleague will allow me, the question suggested by the Senator from Pennsylvania is the same question I asked quite a number of Republican Senators who voted against an amendment repealing the reciprocity act the other day in connection with another bill.

Mr. GRONNA. I know my colleague offered such an amendment and I voted for the amendment, as the RECORD will show. I am extremely anxious, Mr. President, to see the reciprocity act repealed.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. GRONNA. Yes; I yield.

Mr. SIMMONS. While I was on my feet a moment ago I should have made an additional statement, but I will make it now to the Senator. It is this: If the conferees should agree, as I am sure they will, to report the excise bill, Senators on this side of the Chamber will join the Senator from North Dakota in repealing that part of the reciprocity act which has not up to this time gone into effect because of the nonaction of Canada.

Mr. GRONNA. The Senator assures me that the Members on the other side of the Chamber will place such a provision——

Mr. SIMMONS. I meant on the excise bill. If I said the steel bill, I meant the excise bill——

Mr. GRONNA. The Senator also assures me that the Senators in this Chamber will to the best of their ability exert every influence on the House to see that it passes that body.

Mr. SIMMONS. I can speak only for the Senators on this side of the Chamber, and I have undertaken to speak for them because I have authority conferred upon me to do that. But, of course, I can not give the Senator any assurance with reference to the action of the House. I can express to the Senator an opinion, and that opinion is that the majority of the House will concur in the repeal of that part. I may be mistaken about that. I only express the opinion which a Senator, who, having interested himself in this matter, might properly entertain and with propriety, I think, express.

Mr. GRONNA. Mr. President, when I rose this morning it was with the hope that I could prevail upon some member of the Finance Committee to call up this measure this morning and that the Senate would give unanimous consent for the immediate consideration of an independent measure providing for the repeal of the reciprocity act.

As I have said before, I do not know that the President will veto these bills if they are agreed to here, but I have reason to believe that he will not approve all of them. We are very much interested in this measure, and there are interested in it a great number of people in the United States, the farmers all over this country, 35,000,000 people, who depend upon the agricultural industry for their comfort and for their living, and it means more than any mere political policy. It means doing justice to a great number of American citizens.

I have on every occasion, by my vote and otherwise, tried to have this iniquitous measure repealed. If the reports in the papers are true, even the President of the United States now realizes that it was a mistake to pass it. But I can readily see that it will afford an excuse for vetoing reciprocity on these tariff bills if the rates of duty are too low, if they are lower than the rates such as are advocated, not by the President of the United States, but the Republican Party of this country.

I again want to ask the Senator from North Carolina if it will not be possible to come to some agreement and have some understanding that this independent measure shall be taken up and passed not only in this body but in the other body, providing the paper provision is eliminated.

Mr. SIMMONS. I did not understand the latter part of the Senator's inquiry.

Mr. GRONNA. The question I propounded to the Senator from North Carolina is whether it is not possible to come to some agreement or to have some understanding that we shall take up this measure as an independent measure, or agree on some particular time when this measure shall be taken up and passed at least in this body, providing we eliminate the provision that is objectionable to the other side of the Chamber.

Mr. SIMMONS. As far as I can answer the inquiry of the Senator, I will say that I know of no disposition on the part of this side of the Chamber to interfere or obstruct in any way the consideration of such a measure as he refers to.

Mr. McCUMBER. Mr. President——

Mr. GRONNA. Just a moment, if the Senator from North Dakota pleases.

I could not, of course, indicate to the Senator what action the other side of the Chamber would take upon a measure of that sort. I can only say I am satisfied there is no disposition over here, and there will be none, to interfere with the speedy consideration of a measure of that character.

Mr. McCUMBER. Will my colleague allow me to ask the Senator from North Carolina a question?

Mr. GRONNA. With pleasure.

Mr. McCUMBER. I should like to ask the Senator from North Carolina how under the Constitution we will be able to take up this measure and originate it in the Senate—a measure which affects the raising of revenue?

Mr. SIMMONS. Oh, Mr. President, I was not considering that phase of it. Of course, the Senate could not take the initiative in the matter. It is a matter affecting the revenues, and would repeal a revenue act, and, of course, it would have to come to us from the House.

Mr. McCUMBER. As a matter of fact, we would not have any control over it unless it was introduced in the House and sent over from there to us. So it is idle to discuss that question.

Mr. SIMMONS. The Senator will understand I was not discussing that phase of the proposition.

Mr. GRONNA. I understand the House conferees ask the Senate to recede from our action placing this provision on this tariff bill. I take it the strong opposition comes from the Members of the House, and for that reason I had the right to ask the Senator from North Carolina and all the Senators on the other side of the Chamber when this opposition would cease.

Mr. SIMMONS. If the Senator will permit me, I will say I think if the plan I have indicated, as the result of the probable action of the House with reference to the amendment as it is on the excise bill, is followed, he will accomplish what he wants; but if the Senator insists upon and shall be able to defeat that, he will accomplish nothing in the direction he desires to go.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from New York?

Mr. GRONNA. I yield.

Mr. ROOT. Mr. President, I should like to state what I understand to be the position of the Senator from North Carolina; and I would be glad to be corrected by the Senator if I am wrong.

I understand his position to be this: We have on the statute books a law to give effect to a tentative agreement with Canada for modifications of the tariff laws of the two countries. That agreement has been rejected by Canada, and our statute as it now stands amounts to a continuing authority to the Parliament of Canada to pass a tariff bill for the United States whenever it sees fit to do so.

Many of us believe—and I am one of them—that that authority ought not to continue; that the rejection of the agreement by Canada should be deemed an end of the offer by the United States, and that our statutes should be made to show that the offer was ended by the rejection.

The statute which it is necessary to repeal in order to revoke that authority to the Parliament of Canada to make a tariff law for us in a revenue measure, and the repeal can be accomplished in only one of two ways. One is by the origination of an independent bill in the House of Representatives. The other is by attaching an amendment here to a bill coming from the House of Representatives, and an amendment to a revenue bill, to which it would be germane.

The Senator from North Dakota, desiring that this authority to the Canadian Parliament shall be repealed, has offered to revenue measures coming to the Senate from the House of Representatives amendments repealing the statute which gives the authority.

Now, I understand the position of the Senator from North Carolina [Mr. SIMMONS] to be that he is willing to have such an amendment attached to any bill which he believes can never become a law, but he is unwilling to have it attached to any bill which he thinks may become a law.

Mr. SIMMONS. Mr. President, the Senator from New York has——

Mr. GRONNA. I yield to the Senator from North Carolina.

Mr. SIMMONS. The Senator from New York has misstated altogether my position. The Senator was probably not here when I made my first statement. I said in my first statement, speaking about the metal bill, which is now before the Senate and to which this amendment has been attached, and from which I am asking that it be detached, would be, in my opinion, basing that opinion upon statements which have been made to me by those who I think have some authority to speak, vetoed by the President. I shall regret exceedingly if the President shall see fit to veto it, but——

Mr. GALLINGER. Mr. President, if the Senator will permit me a moment, does the Senator mean the metal bill?

Mr. SIMMONS. I am talking about the metal bill and only the metal bill.

Mr. GALLINGER. What harm will it do to let this amendment stay on if the bill is going to be vetoed?

Mr. SIMMONS. We want to perfect the bill before it reaches the President.

Mr. GALLINGER. That is what we are trying to do.

Mr. GRONNA. If the Senator from North Carolina is anxious, as I am sure he is, to have this bill passed and become a law; and if it be true, as has been reported in the newspapers, that the President of the United States now would be glad to see that measure repealed, would it not stand a better chance of receiving the approval of the President with a reciprocity repeal on it than by taking it off?

Mr. SIMMONS. I can not answer, with reference to that question, whether it would or would not. I do not know the present attitude of the President of the United States with reference to reciprocity. I do not know whether he has changed front somewhat on that question, as those who seem to speak for the administration on the other side of the Chamber have changed on that question.

Mr. GALLINGER. The Senator himself has changed.

Mr. SIMMONS. The Senator from New Hampshire is mistaken when he says I have changed front on that question.

Mr. GRONNA. I believe, if I may be pardoned for making the statement, that the President would be glad to have an opportunity of approving a measure to repeal the reciprocity law. Now, entertaining at least the hope that he would do so, it seems to me, Mr. President, as the Senators on the other side of the Chamber say they do not now object, at least to repealing a part of this provision, they should welcome something on these tariff bills that might perhaps to some extent be an inducement for the President to approve of their tariff bills.

I do not wish to detain the Senate any longer. To the farmers of the United States, not only of North Dakota farmers, but to the farmers as a whole, this law is objectionable. The farmer who says he approves of a measure of this kind does not know that if we fail to repeal it Canada can at any time accept it; it will injure him, and that it will continue to be a disadvantage to him, and that in the future, until it shall have been repealed, it will reduce the prices of his products. For that reason, and for no other, I want to have it repealed.

Mr. McCUMBER. Mr. President, I wanted to ask the Senator from North Carolina this question: Has the Senator any information or belief that if this reciprocity repeal clause were attached to this metal schedule bill it would be vetoed by the President because it was so attached?

Mr. SIMMONS. If the reciprocity repeal were attached to it?

Mr. McCUMBER. Yes. Does that endanger the bill in the hands of the President?

Mr. SIMMONS. Mr. President, I have stated that I do not know what the attitude of the President may be in reference to that matter. His attitude has changed very frequently upon various and sundry public questions. It may be that the President, who at the last session of Congress was such an ardent advocate of reciprocity, seeing that it is so very unpopular with a large and influential and in many States a controlling element of the electorate, may have changed his position in order to meet the present political exigencies of his candidacy: and it may be that, reversing that position, he would sign a bill repealing reciprocity, but——

Mr. McCUMBER. Then the Senator's conclusion is that the President would sign it?

Mr. SIMMONS. But I have no authority to say that; and I have no reason, from anything the President has said which has

come to me, to know, or to predict even, what the President would do about that matter. I presume, however, that there are Senators on the other side of the Chamber who have conferred with him. I have seen in the newspapers the statement that certain Senators and probably Representatives have been requested by the President to express to him their views about this question. Those Senators who have enjoyed the President's confidence in this matter may be able to enlighten the Senator from North Dakota as to the present attitude of the President with reference to this pet measure of his.

Mr. McCUMBER. The point I wanted to arrive at was whether the Senator had any fear about the signature of the President being placed to this bill, if it should pass both Houses, because of the reciprocity clause being attached thereto. From what the Senator says I understand that he has no such fear. I also understand that the Senator now believes that probably the Democratic Party would be in favor of the repeal of this offer to Canada so far as it now remains upon the statute books. If that is the case, and if there is no fear of the President, and the sentiment of the other side is in favor of the repeal, let me ask the Senator what objection, then, can there possibly be to allowing this amendment to remain as a part of the bill?

Mr. SIMMONS. Mr. President, that matter has not been considered by the conferees. That matter has not been considered by me in connection with my associates on this side. All I am able to answer the Senator is that the conferees have reported upon this matter disagreeing to the amendment, and I have made the motion that the Senate recede from its amendment.

Mr. McCUMBER. I can not for myself understand the position of the other side. I can not understand why that side voted almost solidly against placing this same clause upon the sugar bill. They had reason to believe that probably the sugar bill would be signed. They had no reason to believe that the President would refuse to sign it because that provision was attached. Then it has the appearance to me to be about like this: That the other side are willing to attach this provision to any bill which they believe will not be signed by the President——

Mr. SIMMONS. May I ask——

Mr. McCUMBER. And while professing a friendship for the repeal they are opposed to attaching it to any bill that will probably be signed by the President.

Mr. SIMMONS. May I ask the Senator a question?

Mr. McCUMBER. Certainly.

Mr. SIMMONS. The sugar bill was a bill which was finally agreed upon——

Mr. McCUMBER. I confess I can not hear the Senator.

Mr. SIMMONS. I say when we were considering the sugar bill, brought to us from the House, the other side of the Chamber got together upon an amendment to that bill making a very slight reduction in the duties on sugar. That would go to the President as a Republican bill. That side of the Chamber, I understand, expect it to become a law. They expect it, if it meets the approval of the House of Representatives as it has of the Senate, to go to the President and be signed by the President. When we were considering that bill, as I remember it, the Senators on the other side of the Chamber of both factions of the Republican Party voted solidly, or with practical solidity if not solidly, against attaching the reciprocity amendment to that bill.

Mr. McCUMBER. Oh, the Senator is mistaken. The majority of the votes on this side of the Chamber were in favor of so attaching it.

Mr. GALLINGER. A large majority.

Mr. McCUMBER. A very large majority. The Senator and all his colleagues who voted the other way——

Mr. SIMMONS. My impression is the other way. The vote was—yeas 21, nays 34. The nays were:

Messrs. Borah, Bourne, Bristow, Bryan, Burton, Catron, Crane, Crawford, Cummins, Dillingham, Fall, Foster, Gallinger, Gronna, Heyburn, Johnson of Maine, Jones, Lodge, McCumber, McLean, Massey, Page, Penrose, Perkins, Root, Sanders, Smith of Michigan, Smoot, Stephenson, Sutherland, Thornton, Townsend, Warren, and Williams.

Mr. McCUMBER. What is the Senator reading from?

Mr. SIMMONS. I am reading what I suppose to be the vote on that amendment.

Mr. McCUMBER. That is a violent supposition.

Mr. SIMMONS. It was handed to me by the Senator from Maine [Mr. JOHNSON].

Mr. McCUMBER. That was not the vote on the amendment.

Mr. SIMMONS. It was handed to me by the Senator from Maine, and I assumed that he had examined it.

Mr. McCUMBER. The Senator is reading the wrong vote; that is all.

Mr. SIMMONS. That was on the Bacon amendment, the Senator from Maine advises me. On the other page is the vote on the amendment to which I refer. The yeas were 24 and the nays were 31.

Mr. McCUMBER. On the mendment offered by myself?

Mr. SIMMONS. On the amendment offered by yourself. I was mistaken when I said that there was unanimity. There were a part of the Republicans voting against attaching it. I will read it, if the Senator desires me. The nays were:

Messrs. Ashurst, Bacon, Bankhead, Bourne, Bristow, Bryan, Chamberlain, Crawford, Cummins, Fall, Fletcher, Hitchcock, Johnston of Alabama, Lodge, McLean, Martine of New Jersey, Myers, Newlands, Overman, Poindexter, Pomerene, Reed, Root, Shively, Simmons, Smith of Arizona, Sutherland, Swanson, Watson, Williams, and Works.

Mr. McCUMBER. Every Democrat, with the exception of probably one or two—and I do not know but that every one—voted against placing that amendment upon the sugar-schedule bill.

Mr. SIMMONS. Now, what I desire to ask——

Mr. McCUMBER. A few Republicans voted the same way, and with the combination between the two they defeated the amendment.

Mr. SIMMONS. I notice that the Senator from New York [Mr. ROOT], the Senator from Massachusetts [Mr. LODGE], who was the author of the bill, the Senator from Kansas [Mr. BRISTOW], who was the author of the amendment which was accepted to the bill, voted against attaching that amendment to the sugar bill.

Mr. McCUMBER. They voted that way for a certain reason, and I can give the reason.

Mr. SIMMONS. I do not know what they did it for, but I assumed at the time, and it was assumed on this side of the Chamber at the time, that they did it because of their apprehension that the President might on that account veto that bill.

Mr. McCUMBER. I think everyone of them would deny that proposition. They did it upon the apprehension that the Democratic House might possibly not pass it, that the Democratic Party would not agree to it. That was the reason, not through any fear of the President's veto, but through the fear of the veto of the Democratic majority in the House.

Mr. SIMMONS. Mr. President, I should like to inquire of the Senator from North Dakota if he is authorized to say to the Chamber that the President would not veto it on account of this amendment or that he would not permit the amendment if attached to influence his action in the premises?

Mr. McCUMBER. Oh, Mr. President, I could answer that by asking another question of the Senator, as to whether he is authorized to say that the President would not?

Mr. SIMMONS. I have no authority to speak for the President. The President does represent the party of the Senator from North Dakota.

Mr. McCUMBER. The Senator has indicated his belief that the President would sign it.

Mr. SIMMONS. I have not indicated that at all.

Mr. McCUMBER. I am perfectly willing to say that I believe he would sign the bill with that amendment attached.

Mr. SIMMONS. The Senator from North Dakota entirely misrepresents what I have stated. I have stated nothing upon which the Senator could infer that I have entertained any opinion with reference to what action the President would take on account of the attachment of this amendment to this bill. I have no opinion about it and I have expressed no opinion about it.

Mr. McCUMBER. I thought that the Senator in his quite lengthy answer to my question——

Mr. SIMMONS. The Senator assumed I have that opinion.

Mr. McCUMBER. Expressed an opinion after drawing certain conclusions. From the fact of Senators having seen the President and from the fact that a great many Republicans were opposed to this reciprocity proposition the Senator gave it not as his opinion, but indicated that probably the President would sign now a bill that contained this repeal. He did not give it as his opinion, but put it in such words that anyone could draw the conclusion that the Senator did believe the President would not refuse his signature because this proviso should be attached.

Mr. SIMMONS. The Senator did not hear me say anything which would justify in the slightest that inference. The Senator is speaking about the invitation that I extended to the other side, to those Senators who are said in the newspaper prints to have been in conference with the President about this matter, to rise in their seats now and enlighten the Senate and the country as to what is the President's view in the matter.

Mr. McCUMBER. We can bring that argument to a focus very quickly. If the Senator has no opinion one way or the

other, then he has no justification for the assumption that the President will not sign it, and having no justification for an assumption of that kind, there is no reason why he should oppose this proposition being attached to the bill. If I believed it ought to be repealed, then I would put it upon a bill that would go to the President and allow him to exercise his judgment upon it, and that is all we are asking on this side.

Mr. THORNTON. Mr. President, if the Senate has honored me by paying the slightest attention in the past to my position on the subject of the Canadian reciprocity treaty, its Members must know of my intense opposition to that measure. For reasons which I have stated before on this floor and do not deem it necessary to restate now, from the standpoint of principle, the bill is to me particularly odious. Yet I am going to vote on the pending question with my fellow Democrats; but I wish it to be very distinctly understood that in doing so I do not relax any of my opposition to the Canadian reciprocity bill. However, I do feel justified in believing that my act in this matter will assist toward the ultimate repeal of the reciprocity bill, and for that reason I feel justified in taking the action that I will this morning.

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Carolina [Mr. SIMMONS], that the Senate recede from its amendment.

Mr. PENROSE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BAILEY (when his name was called). I am paired with the Senator from Montana [Mr. DIXON]. I therefore withhold my vote.

Mr. BURNHAM (when his name was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence I withhold my vote. If at liberty to vote, I would vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the Senator from South Dakota [Mr. GAMBLE] and vote "nay."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not in the Chamber, I withhold my vote. If he were present and I were free to vote, I would vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. The Senator from West Virginia [Mr. WATSON] has a pair with the Senator from New Jersey [Mr. BRIGGS]. So that we may both vote, I transfer my pair with the senior Senator from Mississippi to the Senator from New Jersey [Mr. BRIGGS]. I vote "nay."

Mr. PENROSE (when his name was called). The junior Senator from Oregon [Mr. CHAMBERLAIN] has a pair with my colleague, the junior Senator from Pennsylvania [Mr. OLIVER], and I have a pair with the junior Senator from Mississippi [Mr. WILLIAMS]. I will transfer my pair with the Senator from Mississippi [Mr. WILLIAMS] to my colleague [Mr. OLIVER], which will permit the Senator from Oregon and myself to vote. He having already voted, I will vote. I vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is absent from the city. He has a general pair with the junior Senator from South Carolina [Mr. SMITH]. If my colleague were present and free to vote, he would vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. SMOOT (when Mr. STEPHENSON's name was called). I desire to announce the absence from the city of the Senator from Wisconsin [Mr. STEPHENSON]. He has a general pair with the Senator from Oklahoma [Mr. GORE]. If the Senator from Wisconsin were present and free to vote, he would vote "nay."

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Maryland [Mr. RAYNER]. In his absence I withhold my vote. If I were free to vote, I should vote "nay."

Mr. WARREN (when his name was called). I have a pair with the senior Senator from Louisiana [Mr. FOSTER] and therefore withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS], but under the double transfer as stated by the Senator from North Dakota I am at liberty to vote. I vote "yea."

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE], and therefore withhold my vote. If I were at liberty to vote, I should vote "nay." I desire also to announce that my colleague [Mr. LIPPITT] is unavoidably absent. He has a pair with the senior Senator from Tennessee [Mr. LEA]. If my colleague were present and free to vote, he would vote "nay."

The roll call was concluded.

Mr. CHAMBERLAIN (after having voted in the affirmative). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that to the junior Senator from Mississippi [Mr. WILLIAMS] and will let my vote stand. While I am on my feet I desire to announce that the Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN].

Mr. GUGGENHEIM. I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is not in the city. I will transfer that pair to the junior Senator from Kentucky [Mr. BRADLEY] and will vote. I vote "nay."

Mr. MARTINE of New Jersey. I desire to announce the pair existing between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS]. I make this announcement for the day.

Mr. BANKHEAD (after having voted in the affirmative). I have a general pair with the senior Senator from Idaho [Mr. HEYBURN], who is absent. I therefore withdraw my vote.

Mr. WATSON. In announcing the absence and pair of my colleague [Mr. CHILTON] I desire to say that if he were present he would vote "yea."

The result was announced—yeas 33, nays 28, as follows:

YEAS—33.

Ashurst	Johnson, Me.	Overman	Stone
Bacon	Johnston, Ala.	Poindexter	Swanson
Bristow	Kern	Pomerene	Thornton
Bryan	La Follette	Reed	Tillman
Chamberlain	Martin, Va.	Shively	Watson
Clapp	Martine, N. J.	Simmons	Works
Crawford	Myers	Smith, Ariz.	
Fletcher	Newlands	Smith, Ga.	
Hitchcock	O'Gorman	Smith, S. C.	

NAYS—28.

Borah	Cullom	Jones	Penrose
Bourne	Cummins	Lodge	Perkins
Brandegee	Dillingham	McCumber	Root
Burton	Fall	McLean	Sanders
Catron	Gallinger	Massey	Smith, Mich.
Clark, Wyo.	Gronna	Nelson	Smoot
Crane	Guggenheim	Page	Townsend

NOT VOTING—33.

Bailey	Curtis	Kenyon	Smith, Md.
Bankhead	Davis	Lea	Stephenson
Bradley	Dixon	Lippitt	Sutherland
Briggs	du Pont	Oliver	Warren
Brown	Foster	Owen	Wetmore
Burnham	Gamble	Paynter	Williams
Chilton	Gardner	Percy	
Clarke, Ark.	Gore	Rayner	
Culberson	Heyburn	Richardson	

So the motion of Mr. SIMMONS was agreed to.

The PRESIDENT pro tempore. The bill stands passed.

POST OFFICE APPROPRIATION BILL.

Mr. BOURNE. I ask unanimous consent that the Senate resume the consideration of the Post Office appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. SMITH of South Carolina obtained the floor.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. The Chair has recognized the Senator from South Carolina.

Mr. WARREN. I was about to ask the Senator from Oregon [Mr. BOURNE] to yield for the consideration of the conference report on the legislative, executive, and judicial appropriation bill (H. R. 24023). It is exceedingly important that it should be acted upon and disposed of as early to-day as possible. As the Senator from South Carolina has the floor I ask whether he will yield to me for that purpose.

Mr. SMITH of South Carolina. I have no objection to yielding the floor for that purpose, with the understanding that I will resume it as soon as that matter is disposed of, if that is agreeable to the chairman of the Committee on Post Offices and Post Roads in charge of the Post Office appropriation bill.

Mr. BOURNE. It is perfectly agreeable to me, Mr. President. I realize the importance of the request of the Senator from Wyoming, and, with the consent of the Senator from South Carolina, I am glad to yield to him.

Mr. WARREN. Then, I ask the Senate to resume the consideration of the report of the committee of conference on the legislative, executive, and judicial appropriation bill. The

report has been printed in the RECORD, and has also been printed as a separate document, which has been distributed and is on Senators' desks.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. CUMMINS obtained the floor.

Mr. OVERMAN. Before the Senator from Iowa begins to speak I should like to make a brief statement.

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from North Carolina?

Mr. CUMMINS. I yield.

Mr. OVERMAN. For the information of the Senate I desire merely to make a brief statement. I was a member of the conference committee. The Senate attached an amendment to the legislative, and so forth, appropriation bill abolishing the judges of the Commerce Court. From some remarks made upon the floor yesterday it seems that an impression prevails in some quarters that the Senate conferees are responsible for the amendment of the Senate abolishing the Commerce Court judges being disagreed to. I think it is due the Senate to state that the Senate conferees insisted all the time upon the amendment of the Senate abolishing those judges. It was very evident, just as soon as we went into conference, that the House conferees would not agree to the Senate amendment. About the last action taken by the conferees on the part of the Senate was to recede from our amendment, but we had to do so in order to reach an agreement. One of the conferees and myself took the position, which I think is the right position to take, that wherever the Senate after long debate puts an amendment of that kind upon a bill, the conferees on the part of the Senate ought not to yield at all, but should report the matter back to the Senate for instructions from the Senate as to how to act; but after being in conference for weeks and weeks it looked as though we could not get an agreement, and the Senate conferees finally had to yield to the House, and they gave up the amendment only after a long and strenuous attempt to secure the adoption of the Senate provision. We tried to get the conferees on the part of the House to agree to the Senate amendment, but they would not do so. Therefore we finally were compelled to yield. I think I state the situation correctly.

Mr. WARREN. Mr. President, the Senator has stated the situation exactly right, with one possible exception. He speaks of two of the Senate conferees insisting. As a matter of fact, there was no difference on that question on the part of the Senate conferees, and it was decided very early that if we must come back to the Senate with any amendments in disagreement that amendment should be included.

Mr. OVERMAN. That is correct.

Mr. WARREN. We had no dfferences in regard to that.

Mr. OVERMAN. I do not think there really was any difference, but I think that two of the conferees were very strenuous in the position that this matter ought to be reported back to the Senate before we agreed to the House provision and receded from the Senate amendment.

Mr. WARREN. I will say to the Senator—perhaps he overlooked it—that when the observation was made yesterday by the Senator from Missouri [Mr. REED] that we had saved the court my reply corrected him, as per the following in the RECORD:

Mr. WARREN. I beg the Senator's pardon. In answer to the inquiry about the Commerce Court, I said that the Senate receded from its proposition to abolish five circuit judges. The Senate amendment providing for a transfer of the business of the Commerce Court to the district courts was agreed to with an amendment perfecting it.

Mr. REED. In other words, as this bill is now reported the Commerce Court is retained.

Mr. WARREN. No; there is no Commerce Court; that was done away with by the action of both the other House and the Senate before the bill was sent to conference. The only difference is that there are now 34 circuit judges, and there will be no new ones appointed until the number is reduced to 29, if this bill as now reported becomes a law.

Mr. REED. In other words, the five judges of the Commerce Court keep their offices as judges and continue to draw their salaries?

Mr. WARREN. As circuit judges.

Mr. REED. And then no more circuit judges are to be appointed until the number is reduced to 29?

Mr. WARREN. Not until the number is reduced to 29.

Mr. REED. The Senate succeeded in saving the salary of the judges?

Mr. WARREN. No; on the contrary, the Senate was obliged to recede from its proposition to discharge five judges on the demand of the House conferees. There are no appropriations for the Commerce Court; and there will be no Commerce Court under the bill.

In the newspapers of this morning it is stated that the conferees agreed to do away with the Commerce Court. As a matter of fact, the action of the House and the Senate together had already done away with the Commerce Court before the bill went to conference. All that was before us was with relation to the judges of whom the Senator has spoken and the procedure by which the business of the Commerce Court should be transferred to other courts, and I so stated yesterday.

Mr. OVERMAN. The reason I make this statement, if the Senator from Wyoming will excuse me a moment, is because of a remark made by the Senator from Missouri, which he has kindly corrected in the RECORD. I understood him to say that the Senate conferees had succeeded in saving the salaries of five judges. I wanted him to understand that we had yielded only after a very strenuous opposition on the part of the other House, finding that we could not agree without yielding.

Mr. CUMMINS. Mr. President, the subject that I was about to bring to the attention of the Senate first does not relate to the Commerce Court, but it relates to the civil service of the United States. The effect of the bill agreed upon by the conferees would be to abolish the civil service as we understand it. We might as well face the proposition squarely and consider what we shall do with it. The proposition is to appoint for terms of seven years, and at the end of seven years the reappointment is to be absolutely at the discretion of the head of the department. The only rule which is laid down for the guidance of the head of the department is that the employee in order to be eligible must have reached a certain standard of efficiency in his previous work. No matter how efficient he may be and how high he may have risen above the standard, his appointment is at the pleasure of the head of the department. It restores the old spoils system in all its completeness. The only difference is that the spoils are to be distributed at periods of seven years instead of periods of change of administration.

Mr. WARREN. Mr. President, I do not believe the Senator intends to befog us with a misstatement, and he surely will admit that that statement is incorrect.

Mr. CUMMINS. I do not admit that it is incorrect. I do not intend to misrepresent anything.

Mr. WARREN. I know the Senator has no such intention; so I think I can correct the statement he has made. I do not rise to say that this plan is mine, nor is that of the Senate conferees, but it is here as the best we could do. I will add that the more you consider it the better it looks. The Senator says that it restores entirely, as a whole, the spoils system.

Mr. CUMMINS. It does.

Mr. WARREN. We shall follow that up a moment: At the end of seven years or eight years, as the case may be, all these employees end their service. What follows? The head of the department can reappoint every one of them who has not fallen below the grade that calls for his dismissal. How will he fill a particular place if he does not reappoint the old employee? There is where the rub comes. Formerly, all he had to do was to employ whom he might choose. There were no civil-service restrictions to control him, as now. Under this proposed law he can not employ a man or a woman except through the civil service. The most he could possibly do would be to refuse to reappoint the old employee, and call for new certifications from the civil service, but the civil service has just as closely in its grasp every place that is now in the classified service as it had before, because whenever one goes out, the one who follows must come from the civil service.

Now let us look at the matter reasonably for a moment: If the Senator himself, without regard to his politics, or any other Senator, were the head of a department, and had a corps of clerks and at a time, we will say, one-half——

Mr. SMITH of Georgia. We over here can not hear the Senator from Wyoming.

Mr. WARREN. I thought I was talking loud enough.

Mr. SMITH of Georgia. But the Senator was facing the other way.

Mr. WARREN. Suppose it comes to the end of the term of appointment. I want to know what man, applying it to himself or his place, would say, "Get out, all of you clerks. You are all efficient and trained clerks of experience in my department, but I do not know your politics and I want somebody else." How is he going to get somebody else? All he can do is to send his requisition to the Civil Service Commission and have others certified without regard to politics—others unknown to him and without experience. What is he going to do? Reappoint his employees who are all right or enter upon a sea of uncertainty? He will reappoint them, of course.

So that the proposition that this does away with the civil-service jurisdiction and restores the old spoils system is not correct.

Mr. CUMMINS. I think it is correct.

Mr. LA FOLLETTE. I want to ask a question at this point, and I will address it to the Senator from Wyoming. If it is reasonably certain that the head of a department would retain in the service such of the employees as had reached the required standard, why then should he not be required to retain in the service such employees? Why throw the whole list open

to reappointment when the scale of markings ought to guarantee on the ground of efficiency retention in the service?

Mr. WARREN. Mr. President——

Mr. CUMMINS. I want to reply, if I can.

The PRESIDENT pro tempore. There is too much audible conversation in the Chamber.

Mr. WARREN. I was going to reply, if I may have a moment.

Mr. CUMMINS. Very well. I yield to the Senator from Wyoming.

Mr. WARREN. That question and many others have come up. I may as well say here what I shall have to say on the subject at some time.

We are confronted with propositions such as we have never before been confronted with in my service. We have before us appropriation bills coming over from the other side that are filled with legislation. The House has adopted rules that make these legislative items strictly within the rule. The House is a coordinate branch of the Government. We meet its Members in conference. We struggle day after day, night after night, week after week, and in some cases month after month, and it has been impossible to get any one of these appropriation bills through that had legislation in it without conforming in some degree to that proposed legislation.

Now, appearing as I do as one of the managers of the conference, it is incumbent upon me, of course, to state what I believe about the results that we present here; but as to this legislation being in the bills and as to its not suiting all of the Senators here, I do not feel that we are responsible.

I observed, as all Senators did, when this matter was up before, that on both sides of the Chamber there seemed to be many Senators who thought there ought to be some term of renewal of service.

Mr. CUMMINS. Mr. President——

Mr. WARREN. And may I say one word more, that both of these sections as they appear here came from civil-service commissioners, and nothing has been added to or taken from them except to the one we added what had been presented in the other, as to soldiers and sailors.

Mr. LODGE. May I ask a question at this point? I should like to know if the Civil Service Commission recommended a limited term.

Mr. WARREN. I do not at this moment have it here, but I will later call attention to a letter from the chairman of the Board of Civil Service Commissioners.

Mr. CUMMINS. It is the personal expression of the chairman of the board. It is not the opinion of the Civil Service Commission.

Mr. WARREN. So far as I know—of course I can not speak for the Civil Service Board——

Mr. CUMMINS. I venture to say that the letter does not attempt to speak for the commission.

Mr. WARREN. We asked for the representatives of that board, and we were visited by the acting chairman of the board before we reported the bill to the Senate, and the result of that meeting was the section we put in. Since that time there has come a letter from the chairman of the board, which, like the first one, was not on the assumption that it was by the board as an official document. The first one was sent in by Mr. McIlhenny; the last one was sent by the chief of the board, Gen. Black. Neither one of them stated it was or was not the united action of the board. The members of the board may be, as we are, of different opinions, or they may be united; I can not attempt to say.

Mr. OVERMAN. He also says——

Mr. CUMMINS. I want a little order preserved during my speech.

Mr. WARREN. But the fact remains that we have those proposition to deal with. We can not avoid it.

Mr. OVERMAN. I just want to ask the Senator along that line, did Mr. Washburn agree to the plan?

Mr. WARREN. I do not know.

Mr. OVERMAN. I heard a letter read in the committee room, and that was from Gen. Black. Is not Mr. Washburn a member of the commission?

Mr. WARREN. I have not met him. I do not know. I do not know what his opinions are.

Mr. OVERMAN. The letter should be read.

Mr. CUMMINS. If the Senator from Wyoming will produce the letter, which I have never seen and of which I never heard before, I believe it will appear it was written by Gen. Black and not for and on behalf of the commission. I know——

Mr. WARREN. I stated that neither one of these appeared in the form of coming from the organized board as such.

Mr. CUMMINS. Then the Senator from Wyoming ought not to say that this is the recommendation of the Civil Service Commission. I believe I know that at least two members of the commission are very much opposed to introducing this idea of a term with a discretion in the head of the department to reemploy or not at the end of that term, irrespective of the standing of the employee in the service.

Mr. WARREN. Mr. President——

Mr. SMITH of Georgia. I should like to ask——

The PRESIDENT pro tempore. Does the Senator from Iowa yield, and if so, to whom?

Mr. CUMMINS. I yield to the Senator from Wyoming until he shall have finished.

Mr. SMITH of Georgia. Mr. President——

The PRESIDENT pro tempore. The Senator from Iowa has yielded to the Senator from Wyoming.

Mr. WARREN. I have only a word to say, and then I shall yield.

I do not want to be misunderstood. I undertake to state, and I state again, that we asked the opinion of the board, but were unable to get it, because some of its members were absent from the city or ill, and we got from Mr. McIlhenny what I understood him to mean was a substitute for section 5. We struck out section 5 and put in the other and numbered it section 4, and the debate ensued here when the bill was on its passage over that and also over section 5.

In conference a statement was made as to Mr. Black's position, he having returned or recovered, if he had been ill, and this letter was exhibited as his opinion. I do not believe it states whether it is the opinion of anybody else. I have not attempted to state that I had the board appear in full before the committee. I do not know anything about the other member.

Mr. CUMMINS. I yield now to the Senator from Georgia.

Mr. SMITH of Georgia. I want to ask the Senator from Wyoming a question, if the Senator will answer. Does not this measure, as you finally leave it, give the Secretary a discretion to drop even proficient clerks if he sees fit?

Mr. WARREN. What Secretary?

Mr. CUMMINS. That is the plain reading of the bill.

Mr. WARREN. The head of the bureau can undoubtedly at the end of that time refuse to reemploy all of those clerks, but——

Mr. CUMMINS. He can refuse to employ any of the clerks.

Mr. SMITH of Georgia. Suppose he was a politician; could he not retain those who are his partisan followers, who are efficient, and drop all those who belong to the other party, if he saw fit?

Mr. WARREN. One moment.

Mr. SMITH of Georgia. The Senator can answer it yes or no.

Mr. WARREN. I do not know whether the time has come in the United States Senate when one Senator can say to another that he shall answer a question by saying "yes" or "no," and stop there. I am not sure that time has come.

Mr. SMITH of Georgia. The time does not seem to have come when he will answer "yes" or "no," whether he can or not.

Mr. WARREN. I will say this: He has no power to select partisans for his office.

Mr. SMITH of Georgia. I did not ask that question at all.

Mr. WARREN. If the Senator will permit me, in relation to that, how is the Secretary going to employ partisans or select partisans when the civil service prevents it, when every clerk he obtains must come from civil-service lists and under civil-service regulations? And so it is idle to say the old spoils system is restored through this proposed law.

Mr. SMITH of Georgia. I did not ask the Senator that question at all. I understand perfectly that he must go back to the civil service to get new clerks. I asked the Senator the direct question, Does this measure leave with the Secretary the privilege of picking his partisan friends and dropping those belonging to the other party if he sees fit, although they have made splendid records?

Mr. WARREN. I understand that it does not.

Mr. SMITH of Georgia. I understand that I can not force the Senator from Wyoming to answer "yes" or "no," but I insist that this is just what this amendment does.

Mr. CUMMINS. Mr. President, I insist on order. The Senator from Georgia is entirely right. That is just what it does, and I think that is just what it was intended to do.

I want to straighten up this matter of the relation of the members of the Civil Service Commission.

I know there are differences of opinion in regard to this, and I have reasons to believe that one member of the commission

is in harmony with the action of the House originally and now the action of the managers, but if I understand the Senator from Wyoming correctly no other member of the commission proposed what is contained in section 4. That is the amendment which was originally reported to the Senate by the committee. That does not contain any such provision as is now found in the conference report. On the contrary, while there may be some objections to it it is a substantial continuance of the present system. Now, the other member of the commission, I know, is opposed to any such change as is here proposed.

Now let us see. I want to get back to my original statement that this was the spoils system over again. Let us see what will happen. At the end of seven years—and, of course, with twenty-two or twenty-three thousand classified employees in the District of Columbia, the seven years will come to a great many of them at the same time—at the end of seven years, no matter how high the rating of the employees, no matter how efficient they may have been, the head of the department or the Secretary is at liberty to disregard everything which they may have done, their whole record, and go to the civil-service register for the new employees.

It is not difficult to secure admission to the civil-service register. The examinations are not such as to preclude men and women of ordinary attainments from being placed on the register. They are of all political parties, and, of course, with the great number of clerks that are turned out all the time, their terms having expired, the heads of departments can select under the influence of their political friends in Congress or under the influence of their political friends elsewhere just such people from the civil-service register as they may desire to favor.

Therefore I state that we are here abolishing practically, and as I think completely, the whole civil-service idea, because I regard the right of continuance, if there is efficiency and competency in the employee, as even more important than the merit disclosed by competitive examination.

Mr. OVERMAN. Will the Senator yield to me?

Mr. CUMMINS. I do.

Mr. OVERMAN. Do I understand the Senator correctly, that he maintains that at the end of the seven-year period Senators and Members of the House could go to the Civil Service Commission and have their own partisan friends appointed to positions in the departments?

Mr. CUMMINS. I do not know what the Senator from North Carolina would do. He might be strong enough to resist that temptation.

Mr. OVERMAN. The Senator did not understand——

Mr. CUMMINS. I say there is opportunity for that.

Mr. OVERMAN. What I want to know—and I am not very well acquainted with the civil service, I confess—is if it is possible.

Mr. CUMMINS. It is.

Mr. OVERMAN. Under the law?

Mr. CUMMINS. It is if this law is adopted.

Mr. OVERMAN. I want to know if it is now.

Mr. CUMMINS. It is possible for Senators and Members of the House to use their influence to secure promotions and demotions.

Mr. OVERMAN. I understand.

Mr. CUMMINS. I wish that were excluded.

Mr. OVERMAN. I agree with the Senator.

Mr. CUMMINS. But I know it is possible, and I know it is done.

Mr. OVERMAN. Is it possible to-day for any Senator or Member of this House, by reason of his influence, to have any man on the civil-service register appointed to an office?

Mr. CUMMINS. If this report is adopted——

Mr. OVERMAN. No.

Mr. CUMMINS. It is possible.

Mr. OVERMAN. I ask the Senator, under the law as it is now, can they do it?

Mr. CUMMINS. They can not.

Mr. OVERMAN. How does this change the law?

Mr. CUMMINS. The law now is that if the head of a department wants an employee there are three men, the three highest men, certified to the head of the department. He may reject those and require other certifications. There are, of course, very few vacancies; the vacancies come rarely, and therefore there is no opportunity for the influence which I have described. But suppose there were 5,000 employees in the District of Columbia turned out within a month, and you recur to the civil-service register in order to supply their places. Then, of course, there is the opportunity, and the full opportunity, that I have suggested.

Mr. OVERMAN. I understand this does not change the law, that in case of a vacancy, even if there were 5,000 vacancies, the Civil Service Commission should send up three names on its register, and in doing that it must consider the number of employees and their prorating as between the States. The law is not changed in that respect.

Mr. LODGE. Mr. President——

Mr. CUMMINS. I yield to the Senator from Massachusetts.

Mr. LODGE. I will give the Senator a direct illustration of the effect.

Under the law creating the census, as the appropriations were expended it was necessary to make continuous reductions in the force. The reductions could not be avoided; they had to be made. Every time a reduction was made—I do not know how it was with other Senators, but I do not believe their experience differs from mine—we were harassed to go down there and urge the head of the census to keep this person or that person and let somebody else go.

Mr. OVERMAN. I know that is true.

Mr. LODGE. The mere fact that there was that dropping, required by the failure of appropriations, gave the opportunity for selection among those who should be kept and those who should be dropped.

Mr. OVERMAN. That is the point. The Senator is correct in that.

Mr. LODGE. That is the precise point. Every seven years there would be an opportunity for such selection as to who should be kept and who should be put out. We should be harassed all the time.

Mr. OVERMAN. That is to be done according to the efficiency record in the department.

Mr. LODGE. That would not amount to very much under the pressure.

Mr. CUMMINS. That is, with some of us. The efficiency record the clerks have made is no guide under this law to their right to reappointment—none whatever.

Mr. SMITH of Georgia. The seven years applies to the service of each clerk. It does not mean that at the end of each seven years they go, all of them. It applies to the service of any one clerk.

Mr. CUMMINS. At the end of seven years, according to this bill. Suppose that all the employees of the Interior Department had gone in at the same time, and the seven years, we will assume, have expired, there is in this bill no requirement that the Secretary of the Interior shall employ or reemploy a single one of them. There is in the bill a provision that prohibits him from employing any of them if they have not maintained the standard of efficiency which will be prescribed. That is a prohibition, but there is no command that if they have maintained this efficiency they shall be employed.

Mr. SMITH of Georgia. Why is not that as far as any legislation for the good of the service should go?

The PRESIDING OFFICER (Mr. STONE in the chair). The Senator will suspend for a moment while the Chair lays before the Senate the unfinished business, the hour of 1 o'clock having arrived. It will be stated.

The SECRETARY. A bill (H. H. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Connecticut asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered. The Senator from Georgia will proceed.

Mr. SMITH of Georgia. The question I was seeking to ask the Senator from Iowa is that if the inefficient must be absolutely dropped, what occasion is there possibly to go any further with the measure.

Mr. CUMMINS. I can not quite hear the Senator.

Mr. SMITH of Georgia. Does the Senator know what the reason is for leaving the proficients in doubt as to the retention of their services? If we drop the inefficient why should we in any way desire to interfere with the proficient?

Mr. CUMMINS. I assume the purpose is to enable the heads of departments to discharge whomsoever they please, and rid the department of their old employees every seven years.

Mr. SMITH of Georgia. But it goes further, and allows them to drop the proficient, if they shall see fit.

Mr. CUMMINS. I say they are not permitted to reemploy the inefficient and they are not required to remove the efficient. That is the substance of it.

Mr. SMITH of Georgia. The terms of the provision, then, would mean the getting rid of the inefficient.

Mr. CUMMINS. I have stated my view of it as clearly as I can. I think it destroys substantially the adopted idea of the civil service, and will be exceedingly disastrous to the public welfare.

I now desire to say a word with regard to another point in the bill.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. CUMMINS. Yes; I yield.

Mr. NEWLANDS. Before the Senator proceeds to another subject, I should like to ask him whether the Committee on Civil Service, of which he is chairman, has not been considering matters relating to the organization of the Civil Service, or is about to enter upon such consideration.

Mr. CUMMINS. Mr. President, I answer that by saying that certain members of the committee, and particularly the chairman, have been considering it most carefully, and that committee, I think, will shortly present to the Senate a comprehensive act or bill relating to the entrance to the civil service, promotions in it, and demotions in it. We already have presented a bill regarding retirement from it, but of course there is no——

Mr. NEWLANDS. I will ask the Senator whether he thinks it the proper method of proceeding to the investigation of this question and action upon it to allow a provision of this kind to be put in by the Appropriations Committee of the House, and then have the Senate forced to its consideration and action upon it during the closing days of the session, with the danger of the failure of the bill unless the Senate complies with the requirements of the House.

Mr. CUMMINS. I regard it as exceedingly unwise and very destructive. This is as fine an illustration of the evil of legislating on general subjects upon appropriation bills as can possibly be exhibited. I know that we have all been guilty of that practice, but I earnestly hope that at least after the present session it will become a habit of Congress not to legislate upon appropriation bills.

It has just been suggested that possibly I did not make it clear that this provision reported by the committee of conference applies not only to employees hereafter coming into the service but applies to all the employees now in the service.

Mr. SMITH of Georgia. So that at once a great many of the terms of service will have expired?

Mr. CUMMINS. No; the bill provides that it shall be seven years. In 1919 is the first expiration under the bill. It allows those who are now in to remain seven years more.

Mr. WARREN. If the Senator will allow me, it will be seven years from the 1st day of September, 1912, before the commencement of the reconsideration of those concerned, and then they have a year in which they may renew their terms. They do not all go at once. They have one year.

Now, as to the new ones, the date does not commence until after their regular appointment succeeding the probation period, which is 6 months in some cases and 12 in others. So it is 7½ to 8 years in the case of the new appointees, and it is between 7 and 8 years in the case of the old ones.

Mr. CUMMINS. It does give for the entire service one year to change 22,000 or 23,000 employees, a most considerable undertaking if it were carried out.

Mr. WARREN. Does the Senator think that it would really change any considerable percentage?

Mr. CUMMINS. I do not know. I hope it would not result in a universal change, but that is the possibility. That is the right that is given to the heads of departments.

Mr. WARREN. I think the Senator upon reflection will agree with me that it is highly improbable.

Mr. SMITH of Georgia. Then, as I understand the Senator, it does nothing toward getting rid of the inefficient for seven years.

Mr. WARREN. Oh, yes. There are two sections. There is the section as to the efficiency. If the Senator from Iowa will allow me, the efficiency report from each department will be sent to the Civil Service, which shall establish an efficiency bureau. On the examinations those whose percentages are reported—to use numbers so as to put it in the RECORD—say, at 50, will be immediately dismissed because of inefficiency. If they arrive at, we will say, 60, they are candidates for demotion because of partial inefficiency. If they arrive at 75, we will say, they remain stationary, and if they arrive at, say, 85, they are subjects for promotion. That is to go on constantly under the other section—the one that passed the Senate in the first place.

Mr. CUMMINS. The Senator from Wyoming has stated it fairly, but, of course, the rating that will be established for dismissal will probably be so low that a good deal of inefficiency would be retained, as it is now retained.

I refer now to the part of the bill which relates to the abolition of the Commerce Court and the transfer of the business which is there pending and the bringing of new suits. I stated yesterday that I feared if the report of the committee were adopted there would be great confusion, if not very great danger, for the future. I want it to be known that I did not concur in the provision that is made. I understand and I know it is true, because I have collaborated with the Senator from Utah [Mr. SUTHERLAND] with respect to it—I understand that there will be a concurrent resolution introduced for the purpose of taking out a part of the report and substituting what I believe to be an effective provision. If the concurrent resolution passes and the bill is modified in that way, I think it will be effective; but if the concurrent resolution does not pass and the bill remains as it is reported by the conferees, I gravely doubt whether we will have a workable law.

I have not known just what to do with regard to the matter—whether to take it for granted that the concurrent resolution would pass and that the bill would be corrected or whether to endeavor to secure a correction through the medium of the conference committee. But on the whole I have concluded that I will pursue the course which has been suggested, to allow the bill to be corrected by a concurrent resolution.

Mr. SMITH of Georgia. Have the provisions of the conference report with reference to the Commerce Court been read to the Senate?

Mr. CUMMINS. They were read yesterday.

Mr. SMITH of Georgia. I was out of the Senate yesterday and did not hear them. Have the conferees stricken out the amendments offered by the Senator from Iowa?

Mr. CUMMINS. The amendment which was proposed originally by the Senator from Georgia, and which I attempted by a further amendment to elaborate a little, removing these circuit judges, has been abandoned.

Mr. SMITH of Georgia. These circuit judges now are to be assigned to different parts of the country where deaths take place?

Mr. CUMMINS. They are.

Mr. SMITH of Georgia. And, although one of them lives in a northeastern circuit, if a circuit judge dies in the fifth circuit, where I live, instead of having a circuit judge appointed from the bar of that circuit he is to be detailed down there to come and take the place on our circuit? Is that the plan?

Mr. CUMMINS. The Senator from Georgia may have to suffer that experience under this bill.

Mr. SMITH of Georgia. My hope, then, would be that our circuit judge did not die.

Mr. CUMMINS. I believe I have pointed out the objections that I have to this report. I regard the matter of the civil service as so vital that I very much hope the report will not be adopted and that the bill may be recommitted to the conferees.

Mr. SMITH of Georgia. Mr. President, I desire to say just a word or two in perfect agreement with the views of the Senator from Iowa. It is eminently proper that there should be some legislation with reference to our civil service, but it ought to be carefully prepared; it ought to be comprehensive; it ought to be laid upon the desks of Senators and left here to be studied all by itself. It ought not to be done in piecemeal; it ought not to be tied onto an appropriation bill, and it ought not to be forced through the Senate as little understood as this measure is now.

I confess that still I do not comprehend in detail these provisions. I have not read them and studied them. I know that those originally coming from the House were objectionable and the Senate rejected them. It seems to me that this being brand-new legislation upon a question of great importance it ought to go out of this appropriation bill altogether, and the subject should be taken up when coming from the proper committees and we should legislate upon it. I am satisfied that the object to be accomplished in this proposed legislation can be accomplished effectually in a better way if it is handled as a separate measure.

Again, Mr. President, I do not think that these circuit judges ought to be allowed to wander all over the country. If they are to remain circuit judges and are to take places, they ought to be confined to their own territory. It will be a very unsatisfactory situation if the court is abolished and these judges are to take places outside of their own circuits and do work for which they were really not intended. I shall certainly vote against the report.

Mr. BAILEY. Mr. President, to me it seems perfectly plain that if the Commerce Court ought to be abolished the judges who were appointed to serve in that court ought to go with the court itself, and I can not agree that they shall be left a charge upon the Public Treasury when their services are not needed. I think no Senator here would have advocated the creation of five additional circuit judges except for the creation of this court. If in the wisdom of Congress it is deemed best to abol-

ish this court, there is certainly no sufficient work for these judges to do, and no man ought to draw a salary from the Public Treasury unless he renders a public service equivalent to his compensation. Therefore, if I were willing to abolish the court, I could not consent to an arrangement under which the court should disappear and the judges remain.

But, Mr. President, I must say to the Senate, as I said when this matter was before the body originally, that I can not consent to the abolition of this court, because, in the first place, I regard it simply as a legislative recall and subject to all the objections that can be made against that assault upon our judiciary system. In the next place, I believe it is a mistake to abolish the court, because I am confident that if it is left it will more than justify the wisdom of those who originally established it. I can not comprehend why it shall be determined to discontinue this court before it has existed long enough to demonstrate the wisdom or the mistake of its creation. Particularly as you are going to leave the judges, why not leave the court until by an orderly procedure it shall be demonstrated to the country that it is unwise?

I would not hesitate to vote to abolish a court that had fully answered the purposes for which it was created. If we were to establish a court of patents, and then we were to repeal our patent laws and leave every inventor to his own devices to protect himself, I would not hesitate to abolish the patent court. If I had lived at the time the private land claims court existed, and when it had completed its work, whether it had done it well or ill, I would not have hesitated to abolish it.

But here is a court created to serve a most important purpose, which still must be served by some tribunal; and yet it now is proposed to abolish it before it has been in existence long enough to justify any man in saying whether the creation of it was wise or otherwise.

I am perfectly confident, Mr. President, that if this court is permitted to remain until it could have a fair test it will so thoroughly vindicate its existence before the people of this country that there will be no effort to abolish it.

I do not pretend to say that the courts existing before this court was created can not try these cases and can not try them conformably to the law and the testimony, but I do say that if those courts try these cases there are many cases pending in them which they can not promptly try; and if the Government is to be heard, and the Government ought to be heard, in preference to all of the other litigants, because a great public interest is at stake in these cases, then it is inevitable that many private suitors to whom the settlement of their case is of vast and sometimes of vital importance must be denied a prompt disposition of their cause.

Not only that, Mr. President, but it is inevitable that a judge engaged about the ordinary trial of causes in the average district court of the United States must require a longer time to hear and decide these cases than would be true of a judge who has devoted himself for a term of years to their exclusive consideration.

I was originally of the opinion that there ought to have been no change in this court. I was originally of the opinion that a commerce court ought to have been created and that the President ought to have appointed to that court men whose character, intellect, and standing at the bar qualified them for a place on the Supreme Bench of the United States.

But after a careful consideration of the question I am not by any means certain that I was right, and I am rather disposed to accept the reasoning of those Senators who believed that it was desirable to avoid making the judges of this court purely specialists by sending them back at stated intervals to their circuits to resume the ordinary work of a United States judge, and thus liberalize their minds by a consideration of general subjects.

Mr. President, to my mind it is clear that average district judges who will be appointed by any President of the United States will not be as well qualified to try these cases as the judges who will be designated by the Chief Justice of the United States under the law as it now stands. The Chief Justice is in a peculiarly fortunate position to make these selections. Coming to that great tribunal from all parts of the country are appeals from these various courts, and the Chief Justice and his brothers—and I have no doubt that he would consult his brothers before he exercised the power vested in him by this act—know who are the greatest intellects and the highest characters of the inferior Federal bench. They know the men who have most deeply studied these peculiar questions, and it would be such men that the present Chief Justice and any other man who follows him in that great office would be certain to call to this special court.

Do you think it wise to abolish a court which is selected under this arrangement by the Chief Justice and remit these litigants to a court appointed by Presidents, many of whom were not lawyers and some of whom, I regret to say, though lawyers, have not been good lawyers?

Two of the three principal candidates for the Presidency to-day are not lawyers. Can you expect them to make such wise selections for this particular work as men who are lawyers? Conceding that they are as well qualified to select the judge as a President who is a lawyer, it still remains true that no man in this world so fully appreciates the necessity of a great lawyer for the bench as a lawyer himself, and the appreciation of the lawyer for a great judge will always be in exact proportion to the President's ability and learning as a lawyer.

By the abolition of this court we put ourselves on record as saying we would rather commit these great causes to the trial of judges appointed by a President who may not be a lawyer than to commit them to trial in a court whose members were selected by the greatest of all lawyers, for we must always assume that the Chief Justice of the United States is the head of his profession in this country.

Mr. President, I have no hesitation in saying that this court will so far expedite the trial of these cases that one-half the time will suffice for their final disposition if this court remains that will be required if this court is abolished.

It may not be any argument for the existence of this court, but I can not close my mind to the fact that this is the second time in the history of this Republic that a United States court has ever been abolished, and the courts themselves were not really abolished in the other instance. There the court remained and the judges were legislated out of office, but here we are asked to destroy the court and leave the judges still in office. Toward the close of John Adams's administration, and after the Federalist Party had been defeated and driven from power in the presidential and vice presidential offices, after it had lost control of both Houses of Congress, it sought refuge in the judiciary.

John Adams appointed John Marshall, then his Secretary of State, to be Chief Justice; and notwithstanding he appeared in the Supreme Court and took the oath of office as Chief Justice on the 4th of February, he continued to serve President Adams as Secretary of State until the expiration of his term at midnight on the 3d of the following March. As a further part of that plan to control and nationalize the Government through the judiciary, the Federalist Congress created 17 additional circuit judgeships, and John Adams appointed 17 Federalist lawyers to fill them. It is sometimes said—though I doubt if that is true, for I have never been able to verify it—that Jefferson's Attorney General appeared at the door at midnight—it was then supposed that a term expired at midnight on the 3d of March and not, as is now the case, at noon on the 4th of March—with Jefferson's watch in his hand and called time on John Adams and John Marshall as they were filling out these commissions. But whether it is exactly true or not, we do know that they were engaged in that not creditable work until the expiration of Adams's term, or so nearly to it that they were not able to deliver all the commissions which they had filled out; and the case of Marbury against Madison arose out of the circumstance that a commission for a justice of the peace in that part of the District of Columbia which then included Alexandria had not been delivered, and Thomas Jefferson ordered James Madison, his Secretary of State, not to deliver it. Almost immediately upon the convening of the new Congress Jefferson is supposed to have set John Randolph on those midnight judges, as they were called then, and have since been known in our political history; and Congress repealed the act which created the new judgeships. Had I lived at that time I would have voted to have repealed that act, because a purely political advantage was sought in the creation of those judges, and political considerations justified its repeal. But there is no suggestion that this court was created to serve a political purpose. This court was created under the deliberate opinion of the American Congress that it would be a useful instrumentality in exercising a great power of the General Government; and before we make the courts of this country the football of shifting political control in the two Houses of Congress it is best that we should pause. Let us, at least, pay the decent respect to the wisdom of our predecessors of giving the court they created time enough to justify their wisdom, if it can, and if it can not, then we may hope—we may more than hope—we may expect practical unanimity in its repeal.

Mr. WORKS. Mr. President, the proposed legislation contained in this conference report would lead us to some complications and rather strange results, as it seems to me.

The statute under which the Commerce Court was created, as I understand, is left absolutely intact; there is no repeal of the statute authorized; there is simply the abolition of the court that was created by that act; and the purpose is to transfer the

jurisdiction that was vested in that court to the district courts throughout the country. That being the case, the transfer of the circuit judges by the Chief Justice of the Supreme Court is absolutely taken away. The statute provides:

The Commerce Court shall be a court of record, and shall have a seal of such form and style as the court may prescribe. The said court shall be composed of five judges, to be from time to time designated and assigned thereto by the Chief Justice of the United States, from among the circuit judges of the United States—

Bear that in mind. There can be no transfers to this court—

except that in the first instance the court shall be composed of the five additional circuit judges to be appointed as hereinafter provided, who shall be designated by the President to serve for one, two, three, four, and five years, respectively, in order that the period of designation of one of the said judges shall expire in each year thereafter.

Now, although that particular provision in the statute is not repealed in express terms, the effect of it is entirely destroyed. Then we have this further provision:

If, at any time, the business of the Commerce Court does not require the services of all the judges, the Chief Justice of the United States may, by writing, signed by him and filed in the Department of Justice, terminate the assignment of any of the judges or temporarily assign him for service in any circuit court or circuit court of appeals.

Now, bear that in mind—he can transfer him only to circuit courts and circuit courts of appeal.

Under that provision of the statute, which is left in force, the five additional judges that are provided for can not be so assigned as to assist in doing the work that is imposed upon the district courts, because under this provision, unless there is some authority for it under the general law relating to that subject, there can be no transfer of these judges to the district courts to assist in that labor. I read further:

In case of illness or other disability of any judge assigned to the Commerce Court the Chief Justice of the United States may assign any other circuit judge of the United States to act in his place, and may terminate such assignment when the exigence therefor shall cease; and any circuit judge so assigned to act in place of such judge shall, during his assignment, exercise all the powers and perform all the functions of such judge.

It will be seen, Mr. President, that this act deals exclusively with judges of the circuit court; it has no application to district courts or district judges; it does not authorize the transfer of any judge who is designated to sit in the Commerce Court to serve in any of the district courts; and we are left just in this position, that all of this business is transferred from the Commerce Court to the district courts, and no provision is made to assist in doing that work that will be cast upon the judges of the district courts.

I do not know how it may be in other districts throughout the country, but I know in the district of Southern California the district judge of that court is utterly unable—physically unable—to try the cases that are now presented to him for consideration. He is one of the ablest judges, I think, this country has to-day, a man who is diligent and industrious, but it is an utter impossibility for him to take care of the business that he has now to look after. If this additional business is thrown into that court it will simply tend to deny justice to private litigants.

It seems to me, Mr. President, that if these five additional judges are to be continued in office there should be some provision made by which they could be transferred or assigned to the district courts to assist in doing the work that the district judges in some cases are unable to perform within a reasonable time.

I simply call this to the attention of the Senate and of the committee in order that, if it can be done at this late day, some provision may be made by which the business that is transferred to the district courts may be disposed of more readily and promptly by the assignment of these judges to that work.

Mr. SUTHERLAND. Mr. President, I voted against the abolishment of the Commerce Court, and I should be quite glad if an opportunity presented itself to vote against it again. I quite agree with what the Senator from Texas [Mr. BAILEY] said with reference to that court. We created it with the belief that it would be a useful court, and we are undertaking to abolish it before it has been thoroughly tried out. If in the early history of this Government that method had been followed with reference to the Supreme Court of the United States, if it had been possible to abolish that court under the Constitution—which it was not—that court would have been gotten rid of, because the Supreme Court of the United States for the first two or three years of its history had less business to do than the Commerce Court has had. I feel quite certain that if the court might be continued it would only be a few years until it would more than justify its creation.

I am glad, however, that, notwithstanding the fact that it was found impossible to retain the Commerce Court, the managers of the conference upon the part of the Senate have agreed to recede from the amendment which we adopted here abolishing the judgeships, because, while I have no doubt of the power of Congress to abolish the Commerce Court or to abolish any court which Congress creates, I have, on the other hand, no doubt whatever that Congress has not power to abolish a judgeship when once created. The reasons——

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. If the Senator will allow me to finish the sentence. The reasons for making that statement I gave very fully upon a prior occasion, and I do not intend to enter upon them again.

Mr. BORAH. Did not Congress abolish certain judgeships in 1799 or 1800?

Mr. SUTHERLAND. Yes; Congress undertook to abolish, as the Senator from Texas said, 17 judgeships, but my recollection is that 16 judgeships were abolished; but the vote upon that question was purely a partisan vote. It was antagonized by the greatest lawyers in both branches of Congress, and it has been condemned by law writers, and, personally, I have no doubt that the action of Congress at that early day was utterly without constitutional warrant, as I believe the vote of the Senate upon this same question was without constitutional warrant.

But, Mr. President, I rose to speak briefly about another proposition. In the amendment reported by the conferees with reference to the jurisdiction heretofore possessed by the Commerce Court it is provided:

All cases pending and undisposed of in said Commerce Court are hereby transferred to and shall be deemed pending in the district court of the judicial district in which the cause of action in the first instance arose, and the venue of all suits and proceedings hereafter brought by or against the Interstate Commerce Commission to enforce, set aside, or modify the decrees and orders of the commission shall be in the district court of the judicial district in which the cause of action in the first instance arose.

If the Commerce Court is to be abolished, as, apparently, it is, we are all concerned in having the jurisdiction possessed by that court properly transferred to some other court, and I think very clearly the language of the provision I have just read does not do it. I want to analyze it for just a moment:

All cases pending and undisposed of in said Commerce Court are hereby transferred to and shall be deemed pending in the district court of the judicial district in which the cause of action in the first instance arose.

As I view it, there are two defects in that provision as I have thus far read it. First, the action is to be transferred to and deemed pending in the district court of the judicial district in which the cause of action arose. If it is intended by that to mean the original cause of action, it may have arisen in a half dozen different districts, a case involving railway rates upon the Union Pacific Railroad, for example, and its connecting line between Omaha and San Francisco. Such a cause of action would arise in every judicial district through which the road ran, so that it is not sufficient to say "pending in the district court of the judicial district."

In addition to that the reference is to the "district in which the cause of action in the first instance arose." The cause of action which is involved in a proceeding before the Commerce Court is based upon an order made by the Interstate Commerce Commission, and that cause of action necessarily arises where the order is made. The order of the Interstate Commerce Commission is made in Washington; so that, applied in that way, the provision would be utterly meaningless. The same criticism that I have made with reference to that would apply to the further provisions with respect to the venue of suits hereafter to be brought. All such suits shall hereafter be brought—

in the district court of the judicial district in which the cause of action in the first instance arose.

If I did not believe that that could be corrected by a proceeding to be immediately taken I should feel constrained to vote against this conference report, because I feel—and in that respect I concur entirely with the Senator from Iowa, who first raised the question yesterday—that if this provision should remain in the law as it now reads it would be utterly ineffective; that there would be no court that would possess jurisdiction in this class of cases; but I think the matter may be corrected by a concurrent resolution authorizing a change in the enrollment of the bill as has been done heretofore in similar cases. If this report of the conference committee shall be accepted by the Senate and by the House I intend to offer a concurrent resolution to that end which will provide, in place of the language now in the amendment proposed by the conferees, the following:

All cases pending and undisposed of in said Commerce Court are hereby transferred to and shall be deemed pending in the district court of any of the judicial districts within which the original cause of action brought before the Interstate Commerce Commission arose—

I think that will correct both the defects to which I have called attention—

such district to be designated by the complainant—

It is necessary to make provision that the district shall be designated by the complainant, otherwise there would be no way of determining which one of these particular districts should receive the papers—

and the venue of all suits and proceedings hereafter brought to enforce, set aside, annul, or modify any order of the Interstate Commerce Commission shall be in any of the judicial districts within which the original cause of action brought before the Interstate Commerce Commission arose.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from California?

Mr. SUTHERLAND. I yield.

Mr. WORKS. I should like to ask the Senator from Utah whether he concurs in the view I have expressed, that under this provision there can be no assignment of the additional circuit judges to district courts? If so, I desire to inquire whether it would not be wise to include in the concurrent resolution to which he has referred, if that can be done, so as to avoid the defeat of this report, a provision that assignment may be made as provided in this act or otherwise of the additional judges to service on the district bench?

Mr. SUTHERLAND. I listened to what the Senator from California had to say upon that subject, and I think there is great force in his suggestion.

Mr. WORKS. It seems to me that the language of the act absolutely excludes any idea of their assignment to the district court.

Mr. SUTHERLAND. It seemed to me—I followed the Senator as closely as I could in his presentation of the matter—that the Senator was right about it, and perhaps that matter should be taken care of as well. However, I have been examining the Judicial Code with a view to seeing whether or not there is a provision in that code which permitted the assignment of circuit judges. I know there is a general provision upon that subject.

Mr. WORKS. I thought perhaps there might be some general provision, and I suggested that in the few remarks I made on the subject. Of course if that be so it would be unnecessary to take cognizance of it here in any way. I am not as familiar with that code as is the Senator from Utah, because I was not here when it was enacted, and I have had no occasion to examine it with any degree of care. Of course, if there is a provision already in the general statute on the subject, it need not be dealt with here.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SUTHERLAND. Yes.

Mr. CUMMINS. I agree with the Senator from Utah in his suggestion as to this matter, but I rise only to suggest that, in view of the further uncertainty pointed out by the Senator from California and in view of the positive legislative wrong that is being done with regard to the civil service, the best way to deal with these things is to defeat the conference report and send it back to the conferees, so that they can cure not only the points covered by the proposed concurrent resolution, but the point covered by the suggestion of the Senator from California and the civil-service proposition at the same time.

Mr. WARREN. Mr. President, the Senator has probably observed the differences that arise here from time to time among the lawyers in the Senate, and what assurance have we, if the bill is sent back to conference——

Mr. CUMMINS. None at all.

Mr. WARREN. And is thrown open on all sides, that we may not again meet differences, for the whole conference report falls if we do not adopt it, and every item is remanded to disagreement?

Mr. CUMMINS. But the conferees on the part of the Senate will have ascertained in this debate some of the objections and difficulties, and I am sure will be quick and effective to remedy them. I know that the conferees on the part of the Senate have a hard time of it, but the first consideration is to get legislation that will do what we want done. I know that it is bothersome and troublesome, but I am sure that in the end we will get what we desire, if we persevere.

Mr. WARREN. If the Senator will allow me, I wish I could arrive at a time when there would be a conclusion among those interested so that we would know what all desire. One source of trouble in sending back a bill of this kind to conference is that every item in the bill is opened again for reconsideration, and our experience is that when the Senate sends a bill back the conferees on the part of the Senate are met with counter propositions from the other side, because those who favor items not in the conference report wish them inserted and to take advantage of the situation; so we have a very hard proposition to face. Is it not better to do as the Senator from Utah has proposed—follow the bill with a concurrent resolution—and undertake to correct it in that way?

Mr. CUMMINS. No; I am very much opposed to the adoption of the report on other grounds than the one pointed out by the Senator from Utah. I think it is to the last degree unwise to adopt the provision that has been brought forward with respect to the civil service, and I think if we would arm our conferees with a direct vote of the Senate upon that point there would be no difficulty in securing a proper adjustment. It seems to me that with regard to everything except raising salaries, that is the chief point in this bill that the Senate has surrendered to the House, and I do not see why it can not insist upon some of the chief things—first, the civil service; and, second, the abolition of the Commerce Court judgeships.

Mr. SUTHERLAND. Mr. President, there were, as the record shows, 515 amendments adopted by the Senate to this bill. The conferees have been dealing with the subject for many days; their labors, I know, have been most arduous, and I for one would only vote to send it back to conference for the strongest reasons, and I do not, for the reasons I have stated, feel constrained to vote to reject the conference report. I think the matters to which I have adverted can be corrected in the way I have suggested, and I do not believe that the other matters are of sufficient gravity to warrant us in sending the bill back to conference.

With reference to the suggestion made by the Senator from California, I call the attention of the Senator from California to the language of section 18 of the Judicial Code, which provides that—

Whenever, in the judgment of the senior circuit judge of the circuit in which the district lies, or of the circuit justice assigned to such circuit, or of the Chief Justice, the public interest shall require, the said judge, or associate justice, or Chief Justice, shall designate and appoint any circuit judge of the circuit to hold said district court.

He has full power in that respect.

IMPEACHMENT OF ROBERT W. ARCHBALD.

The PRESIDING OFFICER (Mr. BACON). The hour of 2 o'clock having arrived, to which the Senate sitting as a Court of Impeachment adjourned, the Senate is now in session for the trial of the articles of impeachment presented by the House of Representatives against Robert W. Archbald.

The managers on the part of the House of Representatives were announced and were conducted by the Assistant Doorkeeper to the seats assigned to them in the area in front of the Secretary's desk.

The respondent, Judge Robert W. Archbald, accompanied by his counsel, Mr. A. S. Worthington and Mr. Robert W. Archbald, jr., entered the Chamber and took the seats provided for them.

The PRESIDING OFFICER. The Sergeant at Arms will make proclamation.

The Sergeant at Arms made the usual proclamation.

Mr. GALLINGER. Mr. President, I will ask if it is in order to make a point of no quorum. If it is, I desire to make it.

The PRESIDING OFFICER. The Chair holds that it is.

Mr. GALLINGER. I make the point of no quorum.

The PRESIDING OFFICER. The Secretary will call the roll of the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Martine, N. J.	Smith, Ariz.
Bacon	Cummins	Massey	Smith, Ga.
Bailey	Dillingham	Myers	Smith, Mich.
Bankhead	Fall	Nelson	Smith, S. C.
Borah	Fletcher	Newlands	Smoot
Bourne	Gallinger	O'Gorman	Stone
Bradley	Gronna	Overman	Sutherland
Brandegee	Hitchcock	Page	Swanson
Bristow	Johnston, Ala.	Perkins	Thornton
Bryan	Jones	Pomerene	Tillman
Burnham	La Follette	Reed	Townsend
Burton	Lodge	Root	Warren
Catron	McCumber	Sanders	Watson
Clark, Wyo.	McLean	Shively	Wetmore
Crawford	Martin, Va.	Simmons	Works

The PRESIDING OFFICER. Upon the call of the roll of the Senate 60 Senators have responded to their names. A quorum is present.

Mr. BORAH. May I inquire how many Members of the Senate have not yet been sworn in the court?

The PRESIDING OFFICER. If it is desired, the Secretary will report the names of the Senators who have not yet been sworn.

The Secretary read as follows:

Messrs. BROWN, CHILTON, CURTIS, DAVIS, DIXON, DU PONT, GORE, LEA, OWEN, RAYNER, and RICHARDSON.

The PRESIDING OFFICER. The Journal of the last sitting of the court will be read.

The Secretary read the Journal, and it was approved.

The PRESIDING OFFICER. The order which has just been read, in reciting the proceedings of the former meeting, is the order which was pending at the time of the adjournment of the Senate at its last session sitting as a Court of Impeachment. The Chair will inquire of the managers on the part of the House whether they desire now to bring that to the attention of the Senate?

Mr. Manager CLAYTON. Mr. President——

Mr. WORTHINGTON. Excuse me for a moment.

Mr. Manager CLAYTON. Yes.

Mr. WORTHINGTON. Mr. President, before the question of fixing a date for the trial is taken up, I wish to state that after more careful consideration of the pleadings in the case and what was said in reference to what has been put upon those pleadings, and especially the replication, the counsel and the respondent himself have concluded that it is not necessary to file any further pleadings; and I accordingly notified the managers of that by a letter to Mr. Manager CLAYTON. I should like to have that letter incorporated in the record at this point as explaining why, after what took place here on Thursday, we are now willing to go on without any further pleadings.

Mr. Manager CLAYTON. Mr. President, the managers have no objection to the suggestion made by counsel for the respondent.

I beg to say to the court that I brought along with me the letter referred to by the counsel for the respondent. I received the letter this morning, and I think it proper that it be incorporated into the proceedings at this point. I therefore ask that the clerk, in accordance with the suggestion of the counsel, read the letter at this time.

The PRESIDING OFFICER. It will be so ordered, without objection.

The Secretary read as follows:

LAW OFFICES OF A. S. WORTHINGTON,
COLUMBIAN BUILDING, 416 FIFTH STREET NW.,
Washington, D. C., August 2, 1912.

Hon. HENRY D. CLAYTON,
Chairman Board of Managers in the matter of the impeachment of Robert W. Archbald.

DEAR SIR: Inasmuch as counsel for Judge Archbald have decided not to file any further pleadings in his case, it is due to the board of managers that I should notify them of that fact and inform them why counsel have changed their minds on this subject since the argument in the Senate yesterday.

In the respondent's first answer to each of the articles of impeachment he avers in substance that the article does not set forth an impeachable offense. In the first paragraph of the replication filed on behalf of the House of Representatives issue was joined on these answers. But as to the whole of the sixth article and as to part of the thirteenth article the respondent pleads in substance that even if the article sets forth an impeachable offense it sets it forth in such general and indefinite terms that the respondent should not be called upon to answer it. And as to the thirteenth article, the plea is made that it is bad because it undertakes to charge in one article two separate and distinct offenses.

We do not find in the replication any distinct reference to either of these two last-mentioned defenses, relating one to both the sixth and the thirteenth articles and the other to the thirteenth article alone. It was our impression yesterday that for this reason some further pleading would be necessary on our part as to these two matters. However, as you stated in the Senate yesterday that it is the understanding of the board of managers that their replication is a denial of all our allegations as to the insufficiency of the articles of impeachment, whether on one ground or another, counsel for the respondent have decided that they will accept this construction of the replication made by the board of managers. This being so, no further pleading seems to be necessary, and we will be ready, when the Senate meets to-morrow, to take up the question of the date of trial.

Yours, very truly,
A. S. WORTHINGTON,
Of Counsel for Respondent.

Mr. Manager CLAYTON. Mr. President, I do not desire to be hypercritical of the language employed by the counsel, but so far as my investigation goes, I am led to understand that the managers of the House have never before been spoken of as a board of managers. I therefore ask the counsel to strike from his letter the words "board of" wherever they occur. We are not a board of managers. We are the managers on the part of the House of Representatives; and while not a purist, not a hair-splitting dealer in technicalities, I think it is proper that in papers of this character and of this solemnity the usual forms be followed.

Mr. WORTHINGTON. Mr. President, I accede to the request of the managers. I am happy to call them by the name they select.

The PRESIDING OFFICER. The Secretary will make the correction.

Mr. Manager CLAYTON. With the permission of the court, I ask that the order which was pending before the court when adjournment was last had be now reported.

The Secretary read as follows:

Ordered, That lists of witnesses be furnished the Sergeant at Arms by the managers and the respondent, who shall be subpœnaed by him to appear at 12 o'clock and 30 minutes post meridian on the 7th day of August, 1912.

Ordered, That the cause shall be opened and the trial proceeded with at 12 o'clock and 30 minutes post meridian on the 7th day of August, 1912.

Mr. Manager CLAYTON. Mr. President, I have conferred with the counsel for the respondent, and desire to move that the first paragraph of the order—or, if the order were divided, it would be the first order—be amended by adding after the words "nineteen hundred and twelve" the words which I ask the Secretary to report.

The SECRETARY. Add at the end of the first order the following:

And further ordered, That in case hereafter the managers or the respondent may desire the attendance of additional witnesses, in such case the managers or the respondent may have the witness or witnesses desired subpœnaed in accordance with the practice and usage of the Senate upon application in such form as may be approved by the Presiding Officer.

The PRESIDING OFFICER. The Chair understands that the managers on the part of the House desire that the order presented by them shall be modified to that extent.

Mr. Manager CLAYTON. Yes; and that meets the approval of counsel for the respondent.

Mr. WORTHINGTON. It is true we have agreed upon that language so far as the first part of the order is concerned.

Mr. Manager CLAYTON. I will say, if I may be permitted for just one minute, that I find, upon investigating cases like this that have been before the Senate, that sometimes the proposition which is embodied in this amendment has not been incorporated in the order; but, so far as I can ascertain, the uniform practice of the Senate sitting as a Court of Impeachment has been always to give in a proper case to either party to the controversy the right to have additional witnesses subpœnaed; and the amendment is in proper form.

It may be said that in one case, at least, where the question of the adoption of a proper order for additional witnesses was raised, the application was referred to a committee of three, as provided in the order. We think that duty can be well discharged by the Presiding Officer, and so we have drawn the amendment in the form in which it is presented.

The PRESIDING OFFICER. Is it the desire of the Senate that the order as modified shall be read at this time? [A pause.] If not, the Chair will inquire whether the managers on the part of the House have anything to submit in support of that order.

Mr. Manager CLAYTON. Mr. President, nothing more upon the amendment; and in support of the main proposition, the subpœnaing of witnesses and fixing a day for the trial of the case, I have but little to add to what I had the honor and privilege of saying to the Senate the other day.

As will be observed, the order as presented embodies two propositions, one the necessary forerunner of the other, the first proposition being to provide for process upon the witnesses and having the witnesses present, and then the second order or the second proposition involved in the order, if we treat it as one order, provides for a day for the trial.

I may say that, so far as I know, whenever an order of this kind has been presented, involving the two propositions, but necessarily related, there perhaps has been a division of the question. But in its finality it is really but one question, because there would be no use to have the witnesses subpœnaed without having a day fixed for the trial, and if a day for the trial is fixed, then an appropriate order of course as a corollary ought to be made providing for the subpœnaing of witnesses.

Mr. President, I want to say a word in regard to the action of the court on the 1st day of this month, in which the managers were persuaded to acquiesce in the postponement of the consideration of the question of fixing a day for the trial, upon the suggestion of the Senator from Idaho [Mr. BORAH] and the Senator from Virginia [Mr. MARTIN], that the respondent should have until to-day to prepare a formal application for a continuance. Perhaps I should not use the word "continuance," for the counsel for the respondent this morning informed me that he was not pleading for a continuance, but for a postponement, and therefore to accommodate him and for the sake of euphony I use the word "postponement"; but it is a continuance as a matter of substance for which he is pleading.

I have nothing more to say, Mr. President, except that upon further conference with my associate managers we are more

than ever convinced that this trial ought to be proceeded with now. But I was about to say a bit ago, and I desire now to call the attention of the Senate to the fact, that yielding to the suggestion made by the Senator from Idaho and the Senator from Virginia, and agreeing that this matter should be determined to-day, instead of on the 1st day of the month, when the application for the order was made, subtracts from the time allowance fixed in that order, for the preparation of the subpœnaing of the witnesses and the trial of the case, three days. That order contemplated seven days for the subpœnaing of witnesses and for the preparation of the trial. To-morrow is Sunday, and therefore we could not have the process to-morrow, and we would have only Monday and Tuesday intervening between now and the 7th, the day which was originally fixed in the order for the trial.

I doubt very much, Mr. President, to be frank and candid with the court, and I hope I shall be so all through the trial of this case, the ability of the Sergeant at Arms of the Senate to serve the process on these witnesses in time to have them here on Wednesday. But we shall leave that matter entirely to the judgment of the Senate. If the Senate is of the opinion that we can have the witnesses here Wednesday the managers on the part of the House will be ready to proceed. We are entirely ready to proceed on every other phase of the case, and therefore I do not ask that the time be put over beyond Wednesday, but I make the suggestion in order that the Senate itself may take it into consideration.

Mr. President, the managers have nothing else to suggest now except to insist that this case be set down for trial on Wednesday next, and, of course, if counsel opposes that, as we understand he is here to oppose that proposition, then we shall ask to be heard in reply to him.

Mr. WORTHINGTON. Mr. President, I do not recall that the Senate or any Member of it, when we were here on Thursday, held or said that what was to be done to-day was the presentation of a motion for a formal continuance, by which I understand, as that term is used in courts of justice, an application to have the case go over to the next term. The Senate of the United States is a continuing body, and I am not asking for any postponement beyond the time when the present session of Congress will last. We are here therefore before a court, the case at issue, and the question is simply, When shall the case be tried or when shall it come on for trial?

Admonished, however, by the suggestions made by my friends, the managers, or some of them, I have, so far as concerns the grounds upon which I make the application for the fixing of a later day, put the papers in the form of an affidavit by the respondent, and accompanying affidavits which are referred to in it, and I will ask that the affidavit of the respondent be read at this point.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

In the Senate of the United States sitting as a Court of Impeachment.

UNITED STATES v. ROBERT W. ARCHBALD.

DISTRICT OF COLUMBIA, *ss:*

The respondent, Robert W. Archbald, on oath says as follows:

Shortly before the articles of impeachment in this case were presented to the House of Representatives by its Committee on the Judiciary, I attempted to confer in Scranton with those of my counsel who reside in that city (where the labor of preparing for the trial of the case must mainly be performed) with reference to certain matters relating to my defense. I found that one of them, Mr. M. J. Martin, was in a hospital in Scranton, where he had just undergone a severe surgical operation, and that the other, Mr. Samuel B. Price, had broken down in health and in consequence thereof had left Scranton, and that it was expected that he would be absent for at least several weeks. I have recently obtained affidavits from their physicians as to their present condition, which I submit herewith.

The summons of the Senate requiring me to appear on July 19, in answer to the articles of impeachment against me, was served upon me in Scranton at half past 11 o'clock on the night of July 17. I came to Washington at once, my son, Robert W. Archibald, jr., of my counsel, accompanying me from Philadelphia. Ever since that time I have been almost constantly engaged in conference with my counsel in reference to the pleadings in the case, especially with reference to the answer to the articles of impeachment, and I have not been able, nor have my counsel, to give any time to that part of the preparation of the case relating to the actual trial.

Ever since I arrived in Washington on July 18 I have been endeavoring to engage the services of additional counsel, being advised by my present counsel that that is necessary. In every such case I have found that the person with whom I sought to communicate was on his vacation, either in Europe or in this country, and for that reason I was either unable to engage his services or unable to get into communication with him at all.

For the foregoing reasons, and for other reasons which are apparent on the record in this case and which will be stated by my counsel, it will be impossible for me to properly prepare for my trial upon the several articles of impeachment before the middle of October next. I have no wish to delay the trial a single day beyond what I myself and my counsel think is absolutely essential to fully prepare and present to the Senate the important questions of law involved in the case, and to investigate and obtain the evidence relating to the numerous questions of fact which will arise or may arise during the trial.

R. W. ARCHBALD.

Subscribed and sworn to before me, a notary public in and for the District of Columbia, this 3d day of August, 1912.

[SEAL.] JOSIE A. GORMAN,
Notary Public, District of Columbia.

Mr. WORTHINGTON. Now, Mr. President, I should like to have read the affidavits of physicians as to the present or very recent condition of the two counsel referred to in the affidavit of the respondent.

The PRESIDING OFFICER. The affidavits will be read by the Secretary.

The Secretary read as follows:

To the honorable the United States Senate, sitting as a Court of Impeachment:

This is to certify that M. J. Martin, Esq., attorney at law, of the city of Scranton, Pa., was operated upon for appendicitis by me, a practicing physician and surgeon of said city, on Saturday, July 6, instant; and that since that time he has been and still is in my hospital under my charge, and that his condition is such that he can not with safety undertake professional work for upward of eight weeks from date.

REED BURNS.

CITY OF SCRANTON,
State of Pennsylvania, ss:

Dr. Reed Burns, being duly sworn according to law, deposes and says that he is a practicing physician and surgeon of Scranton, Pa., of upward of 30 years' experience, and that the statements made in the above certificate are correct and true.

REED BURNS.

Sworn and subscribed before me this 22d day of July, A. D. 1912.

[SEAL.] RALPH W. HYMER, *Notary Public.*

My commission expires January 21, 1915.

To the honorable the United States Senate, sitting as a Court of Impeachment:

This is to certify that S. B. Price, Esq., attorney at law, of the city of Scranton, Pa., is now and has been since June 20, 1912, under my professional care. On that date he had a breakdown, and by my advice and direction has undertaken no professional work since that time, and in my judgment can not with safety undertake any active professional work for upward of three months from date, during which time it will be necessary for him to give himself to complete rest and recuperation.

LUCIUS C. KENNEDY.

STATE OF PENNSYLVANIA,
County of Lackawanna, ss:

L. C. Kennedy, being duly sworn according to law, deposes and says that he is a practicing physician of Scranton, Pa., and has been for upward of 14 years, and that the statements made in the above certificate are correct and true.

LUCIUS C. KENNEDY.

Sworn and subscribed before me this 27th day of July, A. D. 1912.

[SEAL.] GEORGE L. PECK, *Notary Public.*

My commission expires February 21, 1915.

Mr. WORTHINGTON. Mr. President, I wish to call the attention of the Senate for a moment or two to some of the matters which are apparent upon the record in this case, and as to which therefore no affidavit or formal paper is necessary, as corroborating what is set forth in the affidavits which have just been read, and as indicating that it would be a denial of justice to ask this respondent to come here and to be prepared for trial in this case on the 7th day of August, or at any time approaching that date.

There are 13 articles of impeachment here, so that instead of having to prepare for the trial of one case we have to prepare for the trial of 13. Not being advised, as we can not be, as to just what evidence the honorable managers may intend to introduce in support of each one of these 13 articles, we are required to prepare ourselves to meet every possible contingency in regard to each one of them.

Some of these articles, as is apparent upon inspection, lead necessarily to the investigation of a great mass of detailed evidence. The first article of impeachment refers to a series of transactions in regard to what is known as the Katydid culm dump. In my humble judgment (and I think it will be corroborated by Senators familiar with the trial of cases who may examine that article and the reply to it), the trial on that case alone might well last a week, and to prepare for it would take more than that time.

So as to the second article, which involves a long series of transactions relating to alleged efforts on the part of the respondent with a lawyer named Watson to have certain litigation settled, to which a railroad company was a party. Take a case of that character and examine it alone, and I think you will find that it would simply be impossible for the counsel to properly prepare for a trial of even one of these cases in the time to which it is proposed to limit us.

Mr. MARTINE of New Jersey. I ask pardon, but if the gentleman will face this way we might get the benefit of his statement. We can scarcely hear him.

Mr. WORTHINGTON. I am much obliged to the Senator.

Mr. MARTINE of New Jersey. I do not mean that you shall turn your back on the Presiding Officer, but if you can face this way we would benefit by your remarks.

Mr. WORTHINGTON (stepping to one side of the Secretary's desk). If there is no objection, may I stand here?

Now, there is another matter. There are here several articles of impeachment which are of the most general character that it is possible to imagine. There is the sixth article, for instance, in which it is simply charged that the respondent, at some time, in places not mentioned, with somebody not indicated except that he was an officer of a certain railroad company, used his influence in a certain matter, which is not described, with the officers of a certain railroad company. In order to properly prepare for the defense on that article alone, it is necessary for the respondent to consider everything that has happened in regard to that railroad company, not only where he was directly concerned, but where it might be reasonably supposed the managers would claim he was concerned. Our past experience in this case shows that it is very possible we may be held, or attempted to be held, responsible for what was done by others, without anything tending to show knowledge on the part of the respondent.

Then, as to the thirteenth article, there is a charge in general terms that the respondent, being a circuit judge of the United States and judge of the Commerce Court, used his position as such judge to obtain credit with persons who had or might have litigation in his court. There is not a single word to indicate what transactions are intended to be relied upon by the managers in support of this general charge, when they come to the trial of this case. The managers may say that something took place before the Judiciary Committee of the House which indicated some things that might be offered in evidence under that part of that article. That is true. But if it stands as it stands at present, and we presume it may stand, we are bound to inquire of everything that went on in the city of Scranton, certainly, and elsewhere, whenever we can, and to consider and prepare for any possible charge that might be made under that general allegation.

My honorable friend, Mr. Manager CLAYTON, said the other day that if in the course of the trial it should occur that we needed time, then the Senate could give us time. But I should like to ask the Senate to consider whether, if at this stage of the session, at this time of the year, this trial should go on at the time proposed by the managers and something of that kind should develop, what consideration would the Senate give us, or with what patience would they consider an application to stop proceedings two or three days, while we could go to Scranton to see what we could find out about that new matter?

In this situation, with 13 cases to be tried, with so many questions of fact involved, there are also as important questions of law, I undertake to say, as ever came before this honorable tribunal. The Constitution of the United States provides only in general terms that Federal judges may be removed from office for treason, bribery, or other high crimes or misdemeanors without defining what crimes or misdemeanors are to be included. And it was contended in the argument which was presented here by the Judiciary Committee of the House to that body in this case that because there is another provision of the Constitution which says that Federal judges shall hold their offices only during good behavior anything which amounts to a misbehavior is an impeachable offense. We have here a series of articles which certainly include, if true, with the adverbs which are applied to them, misconduct on the part of the respondent, but also articles as to which no wrongful intent is charged and which could not by any possibility be wrongful unless there was some bad motive.

It is charged, for instance, in one of the counts that the respondent appointed a lawyer living at Wilkes-Barre, Pa., a jury commissioner under the Federal statute, and that lawyer happened to be an attorney for a certain railroad company. There is not to be found in this article one of the adverbs—unlawfully, corruptly, etc.—which are sprinkled through the other articles, nor is there in any words a charge that the jury commissioner was wrongfully or corruptly or illegally appointed. There is simply the mere fact that he appointed a lawyer who happened to be counsel for a railroad company.

Under the pleas that have been filed there must be as to each of these articles a determination of the question whether it presents an impeachable offense. This will require a presentation of the authorities, a review of the cases, and an argument on the merits of the several contentions by the ablest counsel. It surely will not be considered ultra modesty for the counsel who now represent the respondent to urge that for this reason time should be given to engage additional counsel.

In that state of the case, with all these important questions of law involved, and all these divers questions of fact arising, as to many of which we can only guess what is intended, it happened by a dispensation of Providence that the two members of the bar who reside at Scranton who are counsel for the respondent and who attended with the present counsel the hearings before the Judiciary Committee of the House have been stricken, as has been shown by the affidavits, so that we are unable to get the aid of either of them. The only counsel that are at hand now are those who are not familiar with the persons or the localities involved in almost all the cases which are presented here in the 13 articles of impeachment.

The respondent shows under his oath that since the day he arrived here, summoned here at midnight of one day to be here at noon the second day afterwards, he has made continuous efforts to get additional counsel, and you find what you might expect at this season of the year, one man on his vacation, who would not leave his vacation, and another in Europe, who can not be reached in time, and so on. So it is that of all the persons whom the respondent has sought to reach not one of them can be reached, nor can we obtain his aid at this time.

The same difficulty is likely to arise, I respectfully submit, in regard to witnesses. If we go on with the trial in the month of August or the month of September, we will be almost sure to find some of the witnesses who are required on one side or the other away on vacation.

I may say here in passing that in this city in the dog days of August and September it is almost impossible to transact business that can be avoided, and that from time immemorial no court here has tried cases at this time in the year except those of the most inferior jurisdiction. From the Supreme Court of the United States down to those judges who have the courts of first instance here there never has been a trial or a hearing or a final determination of any case in the month of August or September, as I believe, and certainly not during the 40 years or more that I have been here.

There is another thing I feel that I ought to suggest in this connection. The urgency or speed to be used in the bringing on of an impeachment trial necessarily involves a consideration of the enormity of the offense charged. If this respondent were charged with being in the habit of seizing citizens and sending them to jail without cause and without law, if in the decision of cases he had been bribed and had decided cases by favoritism and not according to what he conceived to be the right and justice of the case, it might properly be urged that he should be speedily brought to the bar for trial.

But in the 13 accusations brought here not in a single one is there a charge or intimation that in the discharge of his duties as a judge the respondent ever decided any case or ever acted upon any motion except as he might act upon it with a clear conscience and an upright mind. All that is charged against him in any of the articles is that either he placed himself in such a position or allowed himself to be placed in such a position by others that he might be influenced in the determination of his judicial duties.

Another thing that I feel bound to mention, because I have seen it mentioned in the public prints, is that, considering the proprieties of such a situation as he unfortunately finds himself placed in, Judge Archbald from the first day when the public hearings began before the Judiciary Committee of the House in this matter, in the early part of May last, has declined to take any part in the performance of his duties as a judge. He has not sat on the Commerce Court in any case, nor has he entered into consultation with any of the judges of that court respecting any matter before them. He has felt from the beginning, and feels still, that under the circumstances in which he is placed it is proper for him to decline to act as a judge at all. I say that because I have seen it intimated that he might be going on performing his duties as a judge, and for that reason he should be speedily put where he could not do so.

One word more, and then I will take my seat, Mr. President. It is that the respondent feels, and his counsel feel, that to take up this case at this time in the session, when Members have been here so long and, as we are given to understand, approaching the termination of their ordinary labors, that it will be impossible either to keep in attendance here a full body of the Senate on a matter of such importance as this or to have them listen with that patience to the presentation of the case which they might exhibit at other times in the year and when they are not situated as they are now. We fear that there will be a tendency to hasten things, which ought not to obtain in any trial, and especially in such a trial as this.

On behalf of Judge Archbald, I will simply say, in conclusion, that this is a matter which involves everything which is dear

to him. It is more to him than is life itself. If the impeachment should succeed and you should find him guilty, you strip him of his judicial robe and clothe him forever in dishonor. If the case is rushed through in the way in which it is attempted to be rushed now, and an adverse result is attained, it will leave upon his mind as long as he may live a feeling that he was not justly and fairly treated. It will leave that impression upon those who are near and dear to him, and it will leave that impression upon the hundreds of people who know him in the region where he lives and the members of the bar who have practiced for many years before him, and who, he has reason to think, still believe in his integrity and his honor, and they will not be satisfied if the trial is rushed through to a conclusion in these August days.

For all these reasons I respectfully suggest, and move, if necessary, that the proposition which has been submitted by the honorable managers be amended by inserting, instead of the 7th day of August, the 15th day of October next. I mention that date as the nearest date at which we first can be properly prepared for trial. We have no particular reason for selecting that time rather than any date subsequent to it which will suit the convenience of the Senate. Any time after the 15th of October will be satisfactory to him. If he shall be given the time he asks to prepare for trial he will have no reason to complain and will make no complaint, whatever the conclusion which may be reached by this honorable tribunal.

Mr. Manager CLAYTON. Mr. President, in the written application for this postponement in the form of the affidavit submitted by the respondent there appear to be three grounds which are submitted as reasons for the postponement. The first ground, I may say, is that one of his counsel, Mr. M. J. Martin, is sick in a hospital in Scranton, Pa., and that the other absent counsel, Mr. Price, is away on a vacation.

Mr. President, of course we all regret the illness of Mr. Martin, and we wish he were here so that the judge might have the benefit of whatever assistance he could give him, but I would be unfaithful in the discharge of my duty did I not call it to the attention of the Senate that for 30 days an investigation was had involving every one of the charges brought now to the bar of the Senate; that present during that whole time was the respondent himself and the distinguished counsel who now speaks for him, and the other counsel who is present and up to this time has not seen proper to speak.

Mr. Price and Mr. Martin had hardly anything to do with the conduct of that investigation. The printed testimony taken by that committee engaged in that solemn investigation of the conduct of this judge occupies about fourteen hundred pages of printed matter, and that volume will disclose the fact, if it is perused, that question after question, comprising pages of that record, were propounded by the distinguished counsel who had the honor of addressing the Senate a few minutes ago.

Mr. President, I may say to the Senate that when you have heard the distinguished counsel for this respondent half as long as I have heard him you will know, as I know, that he is quite able to defend his client and to see that justice is done. He needs not the help of sick Mr. Martin, nor does he need the aid of Mr. Price, away on a vacation.

And, Mr. President, I may say that the counsel for the respondent is not only well informed on this particular case, but he stands in the very forefront of the bar of the District of Columbia. It seems to me that the absence of Mr. Martin and the absence of Mr. Price do not form a sufficient reason for the postponement of the trial of this case.

The second ground is that the respondent was served on July 19 with a summons.

Mr. WORTHINGTON. July 17.

Mr. Manager CLAYTON. Well, here is the summons to appear July 19. I am reading from the typewritten copy you furnished me: The summons of the Senate "requiring me to appear on July 19."

That is the way it reads, Mr. President. But for the sake of agreeing with the distinguished counsel I make it the 17th; it is immaterial whether it is the 17th or the 19th.

Mr. WORTHINGTON. The manager misunderstands me. It was served on him on the 17th to appear on the 19th. The manager said it was served on the 19th.

Mr. Manager CLAYTON. I misunderstood the counsel. Mr. President, then it proceeds to advance the proposition as an additional ground for a postponement that ever since he was served with the process of the Senate citing him to appear here he has been constantly engaged in conferences with his counsel in reference to the pleadings in the case, and, therefore, he wishes it to be inferred at least that he has not had sufficient time to consider the matter of the details, the actual trial of his case and the examination of witnesses as to what evidence he shall offer.

Now, Mr. President, in reply to that suggestion I have to say that, so far as the managers know or now believe, every witness in this case who will testify has already testified, and the testimony is in print and has been available and has been furnished to the respondent and to his counsel. He knows who the witnesses are; he has known, I believe, since about the latter part of June. I will not be accurate as to the precise date, but about the latter part of June he knew who the witnesses were and what those witnesses would testify in this trial. Therefore, Mr. President, so far as witnesses are concerned, he knows who they are now.

It may be possible that he may have other witnesses whom he may desire to call in his own behalf; but I desire to call the attention of the Senate to a fact now, which will appear to the Senate, I think, when the witnesses are examined before the Senate, namely, that with the exception of one witness every witness who was examined and who will be examined before this honorable body was the friend of, or at least friendly to, the respondent. There was but one witness, according to my recollection, against whom a suspicion of hostility was preferred. Some of the witnesses showed a very strong desire to so shade their testimony, to so guard their answers, as to be of as little hurt as possible to this respondent and yet at least try to make a compliance with the sanctity of the oath which they took before testifying. I can now, therefore, inform the Senate and the counsel that the witnesses whom we have examined heretofore and whose testimony is in print will be the witnesses we propose to examine on the part of the House of Representatives.

There is one witness possibly—I may say here and ought to say—whom we endeavored to get that we have been unable to find, although we had the assistance of most vigilant officers to find that witness. Why that witness has gone I know not. I certainly, Mr. President, will not charge the respondent with any agency or any instrumentality in having that witness to so depart or to so secrete himself as to put himself beyond the process of the House or the Senate. I would not be justified if I were to make such a charge, for I have no knowledge that would bear out the charge, and hence I do not make it.

But it is necessary for me to say, in order that the Senate may understand it, that there may be that witness whom we have not examined that we hope to get to examine hereafter; and possibly, Mr. President, we may have other witnesses, but I can state in perfect candor to the Senate that so far as we now know or believe the witnesses whom we have heretofore examined will be all the witnesses we propose to examine hereafter, with the one possible exception I have indicated.

Then, Mr. President, another ground for the postponement is that ever since the arrival of the respondent in Washington on July 18 he has been endeavoring to engage the services of additional counsel.

Now, Mr. President, if the accused in this case were an unlearned man, unacquainted with legal procedure, if he had an inexperienced lawyer and his chief counsel were away, perhaps it might appeal to the sound discretion of this court to grant a postponement of this trial; but the facts are, Mr. President, that the man who stands accused at the bar of this honorable court is himself learned in the law, skillful in all of the technicalities and intricacies of the law, knows how cases are tried, how witnesses are examined, how pleadings are perfected, and how every defense known to an able and skillful lawyer can be made available and interposed. He has known for months that he would probably have to face this trial; he has not been surprised at any stage of this proceeding; and to say, with the able counsel now representing him, and with his own great learning and ability, that because some lawyer—in Washington it may be—has gone to Europe or to a summer resort, that this high and honorable court should postpone a case of this gravity until next October is, I think, advancing ground that will not appeal to the sound discretion of the Senators here, who, I am sure, want to meet and discharge an unpleasant duty even in unpleasant weather.

The managers on the part of the House do not, and the House does not, desire to stay here any more than does the respondent or his counsel or perhaps some of the Members of this honorable body. But, Mr. President, the Senate and the House of Representatives are charged with a high and responsible duty. Will the argument of inconvenience persuade this honorable court to set aside the discharge of a great public duty in order—to use the language of the honorable counsel—that "the dog days" may pass by? It appears to me, if I may make the observation at this point, that for some days—we know August is generally a wet month, and therefore cooler than the rest of the summer—that Washington has been and right now is a pretty fair summer resort. Let us

face the discharge of an unpleasant public duty and perform it now.

Mr. President, may I say, with the permission of the Senate and in this august presence, that the question involved is not so much whether this man shall be tried, but the remedy of impeachment itself is now on trial? I do not urge that against the respondent. He is nowise responsible for any failures there may have been heretofore in the resort to that remedy whenever it has been attempted to be invoked to remove an unfaithful or unworthy public official; but shall we accentuate the charge that is often made that the remedy of impeachment is slow, cumbersome, ineffective? I apprehend not. Postpone this case until a more convenient time, and while you may not contribute to the argument that it is an ineffective remedy you do contribute to the suggestion that it is a slow remedy.

I have about reviewed the three grounds which are stated by the counsel for the respondent for a continuance in this case. It addresses itself to the sound discretion of this court whether this case shall be tried now. I want to say that my own opinion is that whenever this case is tried the Senate will be guided solely by the law and the evidence, and I shall be fully convinced that whenever the judgment of this honorable court is pronounced it will be the judgment both of the law and the facts according to the best reasoning and the best judgment of what I believe to be one of the highest and most honorable of courts.

The honorable counsel have found some fault with the pleadings in this case. It is not my purpose at this time to discuss the pleadings. Let me remind him, however, that in the majority of the impeachment cases heretofore brought before this honorable body, crimes have not been the basis of the majority of the articles of impeachment. The Senate has never restricted the words "high crimes and misdemeanors" so narrowly as to embrace only crimes so denominated under the Constitution or so denominated by statutory enactment. The words have a broader significance. I have before me several authorities on the subject, Mr. President.

Let me quote:

IMPEACHMENT.

The offenses for which a guilty officer may be impeached are treason, bribery, and other high crimes and misdemeanors; art. 2, s. 4. The Constitution defines the crime of treason; art. 3, s. 3. Recourse must be had to the common law for a definition of bribery. Not having particularly mentioned what is to be understood by "other high crimes and misdemeanors," resort, it is presumed, must be had to parliamentary practice and the common law in order to ascertain what they are; Story, Const. Par. 795. It is said that impeachment may be brought to bear on any offense against the Constitution or the laws which is deserving of punishment in this manner or is of such a character as to render the officer unfit to hold his office. It is primarily directed against official misconduct, and is not restricted to political crimes alone. The decision rests really with the Senate. Black, Const. L. 121. (Bouvier's Law Dictionary, vol. 1, p. 989.)

Mr. President, I can refer you to Wharton's State Trials, where he quotes with approval the definition of an impeachable offense given by Mr. Bayard in the argument in the Blount case, and with the kind permission of the Senate, without detaining you longer with that phase of the question, I shall ask to have printed in the RECORD a few citations of authority at variance with the views which the counsel for the respondent has advanced as to what constitutes an official impeachable offense.

The PRESIDING OFFICER. Is there objection to granting the permission requested? Without objection, it will be unanimously so ordered.

Some of the citations referred to are as follows:

IMPEACH—IMPEACHMENT.

The object of prosecutions of impeachment in England and the United States is to reach high and potent offenders, such as might be presumed to escape punishment in the ordinary tribunals, either from their own extraordinary influence or from the imperfect organization and powers of those tribunals. These prosecutions are therefore conducted by the representatives of the nation, in their public capacity, in the face of the nation, and on a responsibility which is at once felt and reverenced by the whole community. State *v.* Buckley (54 Ala., 599, 618, citing Story, Const., par. 688). (Words and Phrases, vol. 4, pp. 3419–3420.)

In his Commentaries on the Constitution, John Randolph Tucker defines impeachable offenses as follows (vol. 1, sec. 200):

To confine the impeachable offenses to those which are made crimes or misdemeanors by statute or other specific law would too much constrict the jurisdiction to meet the obvious purpose of the Constitution, which was, by impeachment, to deprive of office those who by any act of omission or commission showed clear and flagrant disqualification to hold it.

In Cooley's Principles of Constitutional Law it is said (p. 178):

The offenses for which the President or any other officer may be impeached are any such as, in the opinion of the House, are deserving of punishment under that process. They are not necessarily offenses against the general laws. In the history of England, where the like proceeding obtains, the offenses have often been political, and in some cases for gross betrayal of public interests punishment has very justly been inflicted on cabinet officers.

In Watson on the Constitution (vol. 2, p. 1034), published in 1910, it is said:

There is a parliamentary definition of the term "misdemeanor," and a modern writer on the Constitution has said: "The term 'high crimes and misdemeanors' has no significance in the common law concerning crimes subject to indictment. It can only be found in the law of Parliament and is the technical term which was used by the Commons at the bar of the Lords for centuries before the existence of the United States." Synonymous with the term "misdemeanor" and the terms "misdeed," "misconduct," "misbehavior," "fault," "transgression."

In Story on the Constitution (5th ed., vol. 1, sec. 799) it is said:

Congress has unhesitatingly adopted the conclusion that no previous statute is necessary to authorize an impeachment for any official misconduct; and the rules of proceeding and the rules of evidence, as well as the principles of decision, have been uniformly regulated by the known doctrines of the common law and parliamentary usage. In the few cases of impeachment which have hitherto been tried, no one of the charges has rested upon any statutable misdemeanors.

In speaking of the convention which framed the Constitution Mr. Bayard, in the trial of Blount, said that the convention—

proceeded in the same manner, it is manifest, they did in many other cases; they considered the object of their legislation as a known thing, having a previous definite existence. Thus existing, their work was solely to mold it into suitable shape. They have given it to us not as a thing of their creation, but merely of their modification; and therefore I shall insist that it remain as at common law [parliamentary] with the variance only of the positive provisions of the Constitution. (Wharton's State Trials, 264; Rowle on Constitution, 200.)

Mr. Manager CLAYTON. Mr. President, let me return to the discussion of the application for postponement. I do not arrogate to myself the wisdom, and certainly do I not claim for myself the fairness and the impartiality, that characterize the Members of this honorable body. We shall have to submit to the judgment of this court.

We do not wish injustice to be done to the respondent; but the public side of this question, however, should not be ignored. Counsel for the respondent should not—and I do not say he has done so—treat this case as being in the category of an ordinary courthouse trial, criminal in its nature, if you please. The magnitude of this controversy rises into a higher and serener atmosphere than that which usually fills the ordinary criminal courtroom. The public is concerned here more than in an ordinary courthouse trial. Here is one of the judges of one of the appellate courts of our country offering to lay aside his official duties and his judicial functions until next fall.

Mr. President, does that appeal to the Senate? Is it not to be answered by saying that if the case is of such grave nature that he ought not to act in his high office and perform the duties of his position, then the public demands are such that he either ought to be restored to the discharge of his duties or else he ought to be removed from office and another person be designated to discharge those functions?

Were this not a serious case, did it not involve so much, perhaps the suggestion of the honorable counsel to fix the 15th day of October for trial would excite one's risibilities. I dare say, Mr. President, that he little apprehended—I certainly do not apprehend—that the Senate will by any possibility set this case down for trial on the 15th day of October. Courts take judicial notice of public events, for even courts are presumed to know some things without being told. They take judicial notice of an event like a general election. Everybody knows that Senators will not come back here on the 15th day of October and then go home to vote at the November election. So I need not combat the date counsel has named for trial. We do not suggest any date other than that which has been mentioned in the order, and do not suggest any change of that date other than that possibly it might take two or three days longer than the 7th of August to have the process of the Senate executed.

Mr. President, the next session will be a short session, and your public duties and the public duties of the managers require us to take cognizance not only of our present duties but the duties that will confront us next winter. Probably it will occupy some little time to try this case. I have no doubt that you, Mr. President, have tried many a case where there were as many witnesses examined as will be examined here, and as many complicated questions involved as in this case, and I have no doubt you have tried many such complicated cases and disposed of them within three or four days; but I do not apprehend that it will be possible to dispose of this case quite so speedily as that. If, however, it is postponed until the next term of Congress it certainly will draw upon the time and attention of the Senate and a part of the membership of the other House, and, therefore, militate, at least to some degree, against the proper discharge of our public duties. So, then,

why not, in the dog days, if you please—in August, while we are here—when the testimony of the witnesses is fresh in the minds of the counsel and fresh in the mind of respondent, and when the pleadings are fresh in the minds of the Senate, when we are ready and prepared to try the case, why not meet this high and responsible duty now?

Mr. WORTHINGTON. Mr. President, I should like to say just a word or two in reference to some of the matters referred to by Mr. Manager CLAYTON. It certainly will occur to every lawyer who is a member of this tribunal, and it will be clear, I think, to those who are not lawyers, that the mere fact that one particular lawyer in a trial is the spokesman of his side of the case is not evidence that he is prepared to go on and try that case himself. The man who is the spokesman in court is aided by those who do the work outside of the court and in the preparation for trial. The fact, which is apparent here, that Mr. Price and Mr. Martin, practitioners of eminence and long standing, live in the city of Scranton, while the counsel who is referred to as one who did the mere questioning in the case has always lived, during his professional life, in the city of Washington—that mere fact, I say, shows that the real work in the case was done by them. Everyone knows that the work done out of the court was done by them, and they are the persons upon whom the principal reliance of this respondent would be in the trial of this case.

I might here advert to the fact that there are but two of us who have been able to be here, and one is necessarily embarrassed by the fact that he would have difficulty in speaking to this tribunal, because his feelings are so involved on behalf of his father.

I may refer to the fact that on the other side there are no less than seven distinguished lawyers who, as was said here the other day by the Senator from Texas, have won their way to a place on the great law committee of the House, and who have been almost continuously engaged on this case since early in May, or before that time, I believe; and yet, if we may be governed by what we learn in the public prints, as to which I suppose there can be no doubt, these gentlemen have sought the aid of a lawyer, sent down from the Department of Justice, in the preparation of this case, if not in the trial of it; so we have eight counsel opposed to two, and one of those two is embarrassed in the manner to which I have referred.

At this moment, after his application for an immediate trial is before the court, and is about to be passed upon, for the first time we are told by my friend, Mr. Manager CLAYTON, as we now understand, that only the witnesses who were examined before the committee of the House will be examined in the trial—that is, those who are to be examined on behalf of the managers. We learned that at this moment from his lips, but he knows, as everybody knows, that as this trial goes along if it develops that other witnesses are needed to establish the case presented against the respondent they will be subpœnaed and put upon the stand. He will make no bargain here—his duty would not permit him to make any bargain—to examine only those witnesses who were heard before the Judiciary Committee of the House. But the other witnesses are those about whom we are concerned—those who are to answer the statements and charges in the articles of impeachment.

Here my friend falls into error in regard to what I said as to my position. I am not trying to bring on, now, the great question of the constitutionality of any of these articles of impeachment—as to whether they present or any one of them presents a constitutional offense. That is a great question, upon which I do not feel competent to enter at this time, and I do not know that I shall ever feel competent to enter upon it before this tribunal. Nor have I entered into any discussion as to whether the articles which do set forth charges which may be considered impeachable have set them forth in such an indefinite way as to lack legal sufficiency. Those questions will arise at one time or other during the trial. What I say now is that here are two or three articles which are so general in their allegations and so indefinite in their statement that it is impossible for the respondent to come here prepared for trial upon them without inquiring into everything during a long period of years. I will inquire of my associate how many years has Judge Archbald been a Federal judge?

Mr. ROBERT W. ARCHBALD, JR. Ten years.

Mr. WORTHINGTON. For 10 years he has been upon the bench, and no one knows as to what transactions during any one of those long years may be brought up during the trial of this case and the charge made that in some particular transaction he sought to obtain credit by virtue of his position as a judge from those who had or might have litigation before him.

As to matters that have taken place before the Judiciary Committee, it is apparent upon the record, which has been printed and is accessible to everyone, that, as a matter of fact, the principal charges which were presented against this respondent are abandoned here. This case originated in a presentation that was made to the President of the United States by one of the members of the Interstate Commerce Commission, who took a paper to the President on behalf of all the members of that commission. In that paper it was charged that—and this is what we mainly supposed we were to be tried upon—that the respondent, because a man who had a case pending in his court had refused to discount his note, had overruled a demurrer to a bill in equity, which demurrer was filed on behalf of a company in which that man was largely interested.

It was further charged in that paper that this respondent, at the request and upon the demand of counsel for the Lackawanna Railroad Co., had gone to Judge Wetmore, who succeeded the respondent as district judge, and commanded that judge to enter a certain judgment in that case against W. P. Boland, or the company he represented, and that Judge Wetmore had complied with that demand. It was as to such matters that the original charges were brought. But the witnesses who came before the committee so thoroughly demonstrated that there was not the slightest foundation for these charges that they were abandoned. And when the articles of impeachment were actually presented we were surprised to find charges as to the most of which we had supposed it would be impossible that there should be thought to be a proper foundation for prosecution by impeachment in this Chamber. So that we are not prepared, by reason of what has taken place before the Judiciary Committee, to know even what may be proved by the witnesses the managers may summon, and much less what we shall be able to prove in reply.

As to the statement that my client, the respondent, is a lawyer of eminence and ability, that is true; but I have only to remind the Senate of the old adage about the man who undertakes to be his own lawyer.

I am surely surprised, Mr. President, that in considering this application my distinguished friend, the chairman of the managers, should make the argument he has in reference to the remedy of impeachment being imperiled and the question brought before the people whether they should find some other way of getting rid of a judge whom they do not like. The question before this court now is, What is a reasonable time to allow this respondent to prepare for his defense? It is his honor that is involved; and in discussing that question I respectfully submit, Mr. President, it is not proper to consider, and no Member of the Senate should for a moment give any consideration to, the question whether the matter of time which is required properly to present this case to this tribunal will have this, that, or the other effect upon any law of the United States or any paragraph of the Constitution. The greatest principle involved in that Constitution and in the amendments thereto is that every man when brought to trial shall have a right to a fair defense; that he shall be advised of the charges against him and have an opportunity to be represented by counsel properly to prepare and present his case. There is no higher principle in the Constitution of the United States than that; and that is all we are asking. If it shall turn out, because this matter has been brought to the attention of the Senate at this time by the managers who represent the House of Representatives, that to give the respondent a reasonable time will interfere with the duties of the members of the court in reference to the coming election, that is not anything that ought to affect the respondent. The sole question is, What will be fair to him? And when that is decided, I respectfully submit, Mr. President, the Constitution of the United States and the conscience of every member of the court must suggest to him that the thing to be done is to give him such time, regardless of any effect it may have upon the Constitution of the United States or upon any amendment thereof that is now pending or that may be hereafter presented.

Mr. President, that is all that I have to say in reference to what the manager has stated. We submit this matter to the judgment of the Senate, so far as we are concerned.

Mr. CLARK of Wyoming. Mr. President, anticipating that the decision of this matter will lead to some debate, and as under the rules it must be considered behind closed doors, I move that the doors be closed for the purpose of deliberation.

The PRESIDING OFFICER. Without objection, the motion will be agreed to by unanimous consent. The Sergeant at Arms will clear the galleries and close the doors.

The managers on the part of the House and the respondent and his counsel having withdrawn from the Chamber, the doors were thereupon (at 3 o'clock and 30 minutes p. m.) closed.

At 5 o'clock and 32 minutes p. m. the doors were reopened.

The managers on the part of the House of Representatives entered the Chamber and took the seats assigned them.

The respondent, Judge Robert W. Archbald, accompanied by his counsel, entered the Chamber and took the seats assigned them.

Mr. GALLINGER. Mr. President, I submit the order which I send to the desk.

The PRESIDING OFFICER. The order submitted by the Senator from New Hampshire will be read.

The Secretary read as follows:

Ordered, That lists of witnesses be furnished the Sergeant at Arms by the managers and the respondent, who shall be subpœnaed by him to appear at 12 o'clock and 30 minutes post meridian on the 3d day of December, 1912.

Ordered, That the cause shall be opened and the trial proceeded with at 12 o'clock and 30 minutes post meridian on the 3d day of December, 1912.

Mr. MYERS. Mr. President, I submit an order as a substitute for the order submitted by the Senator from New Hampshire.

The PRESIDING OFFICER. The order submitted by the Senator from Montana will be read.

The Secretary read as follows:

It is ordered that the trial of the accused under these impeachment proceedings and charges be, and is hereby, set for the 15th day of August, 1912, at 12.30 p. m., and that orders for witnesses be filed on or before August 10, 1912, and thereafter as the Senate may order.

The PRESIDING OFFICER. The order asked by the managers on the part of the House of Representatives will also be read.

The Secretary read as follows:

Ordered, That lists of witnesses be furnished the Sergeant at Arms by the managers and the respondent, who shall be subpœnaed by him to appear at 12 o'clock and 30 minutes post meridian on the 7th day of August, 1912.

And further ordered, That in case hereafter the managers or the respondent may desire the attendance of additional witnesses, in such case the managers or the respondent may have the witness or witnesses desired subpœnaed, in accordance with the practice and usage of the Senate, upon application in such form as may be approved by the Presiding Officer.

Ordered, That the cause shall be opened and the trial proceeded with at 12 o'clock and 30 minutes post meridian on the 7th day of August, 1912.

The PRESIDING OFFICER. The Presiding Officer would inquire whether the counsel for the respondent desires to submit any order?

Mr. WORTHINGTON. No, Mr. President.

The PRESIDING OFFICER. The several orders are before the Senate for consideration. Under the view taken by the Presiding Officer, the question should first be put on the order fixing the most distant time. That is in accordance with parliamentary procedure and also in accordance with such procedure as might be considered proper in a court. The order proposed by the Senator from New Hampshire [Mr. GALLINGER] is the one which fixes the longest period, and the vote will first be taken upon that. The rule of the Senate requires that the vote shall be taken by yeas and nays. It is therefore not necessary that the yeas and nays should be ordered as in other instances. As Senators' names are called, those who favor the date fixed by the order proposed by the Senator from New Hampshire will vote "yea." Those who are opposed to that date and favor other dates will, as their names are called, vote "nay." The Secretary will call the roll.

The Secretary having called the roll, the result was announced—yeas 44, nays 19, as follows:

YEAS—44.

Bankhead	Crawford	Kern	Root
Borah	Cullom	Lodge	Sanders
Bourne	Cummins	McCumber	Smith, Ariz.
Bradley	Dillingham	McLean	Smith, Mich.
Brandegee	Fall	Massey	Smith, S. C.
Bryan	Fletcher	Nelson	Smoot
Burnham	Gallinger	Newlands	Sutherland
Burton	Gronna	Overman	Swanson
Catron	Guggenheim	Page	Townsend
Clark, Wyo.	Johnson, Me.	Penrose	Warren
Crane	Johnston, Ala.	Perkins	Wetmore

NAYS—19.

Ashurst	Clapp	Pomerene	Stone
Bacon	Jones	Reed	Thornton
Bailey	La Follette	Shively	Tillman
Bristow	Martine, N. J.	Simmons	Works
Chamberlain	Myers	Smith, Ga.	

NOT VOTING—31.

Briggs	du Pont	Lea	Poindexter
Brown	Foster	Lippitt	Rayner
Chilton	Gamble	Martin, Va.	Richardson
Clarke, Ark.	Gardner	O'Gorman	Smith, Md.
Culberson	Gore	Oliver	Stephenson
Curtis	Heyburn	Owen	Watson
Davis	Hitchcock	Paynter	Williams
Dixon	Kenyon	Percy	

So Mr. GALLINGER's order was adopted.

The PRESIDING OFFICER. The Presiding Officer would inquire whether the managers on the part of the House have anything further to submit to the Senate at this time?

Mr. Manager CLAYTON. Mr. President, as a matter of information, the managers desire to know when it is contemplated that they shall furnish the list of witnesses. I should like for that part of the order to be read again.

The PRESIDING OFFICER. The Secretary will again report the order.

The Secretary read as follows:

Ordered, That a list of witnesses be furnished the Sergeant at Arms by the managers and the respondent, who shall be subpœnaed by him to appear at 12 o'clock and 30 minutes post meridian on the 3d day of December, 1912.

Mr. Manager CLAYTON. The order does not say when the list is to be furnished. That is what I wished to ascertain. It leaves that entirely to the judgment of the managers and to the judgment of respondent. Am I correct in that contention, Mr. President?

The PRESIDING OFFICER. The Presiding Officer will respond that there is no designation in the order as to what shall be done in that regard, evidently leaving it as the manager concludes.

Mr. Manager CLAYTON. I have not a calendar before me, but I presume the 3d day of December is the first Monday in December, the day for the regular convening of the Congress.

The PRESIDING OFFICER. The Chair is informed it is Tuesday, the second day of the session.

Mr. Manager CLAYTON. It is the second day of the session?

Mr. LODGE. Monday is the 2d day of December.

The PRESIDING OFFICER. The 3d of December is the second day of the session.

Mr. Manager CLAYTON. Then, the Senate sitting as a Court of Impeachment having decided that this case shall not be tried at this time, but that it shall be tried beginning on the 3d day of December next, the managers of the House respectfully bow to the decision of the Senate, and beg to inform the Senate that they will be here on the 3d day of December ready to proceed with the trial of this case.

In the meantime, on behalf of the managers of the House, I desire to say that the managers will furnish—I presume that it ought to be furnished to the Secretary of the Senate—a list of the witnesses whom the managers desire to have subpœnaed on behalf of the prosecution, if I may so term the side which is occupied by the managers on the part of the House. Am I correct in the view that we shall furnish this list to the Secretary of the Senate?

The PRESIDING OFFICER. The Presiding Officer is not advised as to what are the precedents, but as the Sergeant at Arms is to execute the order, the Chair will suggest that the Sergeant at Arms is the proper person to whom the list should be supplied.

Mr. Manager CLAYTON. Then, Mr. President, under the intimation of the Chair, the managers beg to say at this time that they will in due time furnish the Sergeant at Arms a list of the witnesses they desire subpœnaed, and they expect to be ready, by having the witnesses here and ready otherwise, to proceed with the cause, if it meets the pleasure of the Senate, on the 3d day of December next.

Mr. President, there is one other thing that the managers desire to know. There is no settled practice, it appears from my rather imperfect examination of the precedents in the case, but I have reached the conclusion from such examination as I have been able to make that after this list is furnished by the managers and the list furnished on behalf of the respondent by the respondent that then it is the practice or the usage of the Senate, under, I suppose, certain discretion vested in the Presiding Officer, to entertain and to direct the issuance of subpœnas for other witnesses whose names may not appear on the list which is furnished in the first instance; and believing that to be the practice and believing that the managers should have that right, I shall not insist upon the proposition which I offered in the beginning of the cause to-day; that is, to provide that these additional witnesses might be subpœnaed on application made by the managers or the respondent, as the case might be, but that the application should be made to the Presiding Officer, the Presiding Officer having the discretion and presumably the authority to grant a request for additional witnesses.

Putting that interpretation upon the matter, Mr. President, we shall not ask any amendment of the order at this time, for it is presumed that this court, like any court that wants to do justice in the premises, would, notwithstanding any rule to the contrary, or because of the absence of any positive rule making provision for such an emergency, direct the subpœna of witnesses if, in the judgment of the court, it ought to be done to meet the manifest ends of justice.

The PRESIDING OFFICER. The Chair will state that the manager has stated the practice as it is understood and contemplated by the Senate in that regard.

Mr. Manager CLAYTON. Then, Mr. President, the managers at this time have no further business before the Senate sitting as a Court of Impeachment.

The managers on the part of the House thereupon retired from the Chamber.

Mr. CLARK of Wyoming. I move that when the court adjourns it adjourn to meet on the 3d of December next at 12.30 o'clock p. m.

The PRESIDING OFFICER. The Senator from Wyoming moves that when the Senate, sitting as a Court of Impeachment in the case of Robert W. Archbald, adjourns it adjourn to meet at 12.30 o'clock on the 3d day of December next. Without objection it is unanimously so ordered.

Mr. STONE. Mr. President, I should like to propound an inquiry. The Presiding Officer, in other words, the Senator who shall preside, I presume is to attach his signature to the subpœnas for witnesses. Is that correct?

The PRESIDING OFFICER. The Chair will call the attention of the Senate to Rule VII, which will be read for the information of the Senate as to the power of the Presiding Officer to issue subpœnas.

The Secretary read as follows:

VII. The Presiding Officer of the Senate shall direct all necessary preparations in the Senate Chamber, and the Presiding Officer on the trial shall direct all the forms of proceedings while the Senate are sitting for the purpose of trying an impeachment, and all forms during the trial not otherwise specially provided for. And the Presiding Officer on the trial may rule all questions of evidence and incidental questions, which ruling shall stand as the judgment of the Senate, unless some Member of the Senate shall ask that a formal vote be taken thereon, in which case it shall be submitted to the Senate for decision. (Rule VII of the Rules for Impeachment Trials, page 175 of the Manual.)

Mr. ROOT. I suggest that the fifth rule is relevant to the question.

Mr. STONE. What I desired to ascertain was——

The PRESIDING OFFICER. The present occupant of the chair, handling the book carelessly, did not call attention to the proper rule. The rule which has been read also states what duties shall devolve upon the Presiding Officer, but the particular rule is the one indicated by the Senator from New York, Rule V, which will be read.

The Secretary read as follows:

V. The Presiding Officer shall have power to make and issue, by himself or by the Secretary of the Senate, all orders, mandates, writs, and precepts authorized by these rules, or by the Senate, and to make and enforce such other regulations and orders in the premises as the Senate may authorize or provide. (Rule V, at the bottom of page 174.)

Mr. STONE. Then under the rule the Vice President will be the Presiding Officer who would sign all writs.

The PRESIDING OFFICER. Whoever is the Presiding Officer at the time the writ is required would in the opinion of the present occupant of the chair be clothed with that power.

Mr. STONE. Would the present occupant of the chair be clothed with that power during the vacation? Application for the issue of subpœnas for witnesses will be made during the vacation of the Senate in all probability; probably in November. It puzzles me a little bit to know who would sign those writs.

The PRESIDING OFFICER. The Chair does not think there is any trouble at all about it. The Vice President, of course, will be during the vacation the Presiding Officer of the Senate, and if the Senate should indicate anyone else to be President pro tempore during that time, the power would be exercised in the first instance by the Vice President or, if he should be under disability, by the President pro tempore, whoever he might be. That is the opinion of the Chair. He may be wrong about it.

The respondent and his counsel withdrew from the Chamber.

Mr. CLARK of Wyoming. I move that the Senate sitting as a Court of Impeachment adjourn, and that the Senate resume legislative session.

The motion was agreed to; and thereupon (at 5 o'clock and 55 minutes p. m.) the Senate, sitting for the trial of the impeachment, adjourned, the adjournment being, under the order previously adopted, until Tuesday, December 3, 1912, at 12.30 o'clock p. m.

TARIFF DUTIES ON WOOL.

The PRESIDENT pro tempore. The Senate is in legislative session.

Mr. PENROSE. I should like to ask the Senator from Wisconsin, who is chairman of the Senate conferees on the wool bill, when it is his intention to present the conference report on the wool bill (H. R. 22195) for action by the Senate. I think the Senate ought to know what time a matter of that importance is proposed to be taken up.

Mr. LA FOLLETTE. Mr. President, answering the inquiry of the Senator from Pennsylvania, I will say that on Monday, at 12 o'clock, I will lay before the Senate the conference report on the bill known as the wool bill.

Mr. PENROSE. I ask unanimous consent to have noted on the calendar, among the other notices, that the conference report on the wool bill will be submitted to the Senate at 12 o'clock on Monday.

The PRESIDENT pro tempore. It will be so ordered, without objection.

THE PARCEL POST (S. DOC. NO. 895).

Mr. LA FOLLETTE. I ask leave to present a memorial, which I have not had time to examine, it having just been handed to me, prepared by George P. Hampton, secretary of the Farmers' National Committee on Postal Reform and secretary of the Postal Express Federation, setting forth, on behalf of the organized farmers of the country, certain views on the parcel post. I request that it be printed in the RECORD. I am informed that it contains matter which will be useful to Senators in the discussion of that paragraph in the bill when it is reached.

Mr. GALLINGER. And also as a document.

Mr. LA FOLLETTE. And I will also ask that it be printed as a public document, and laid on the desks of Senators.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that the paper presented by him may be printed in the RECORD, and also separately as a document for the use of the Senate. Is there objection? The Chair hears none.

The memorial referred to is as follows:

MEMORIAL PRESENTING THE FARMERS' POSITION ON PARCEL POST AND IN FAVOR OF AMENDMENTS TO THE BOURNE BILL.

[By George P. Hampton, secretary Farmers' National Committee on Postal Reform; secretary Postal Express Federation.]

To the honorable United States Senate:

The postal appropriation bill with its provisions for parcel-post legislation is now before you for action, and on behalf of the organized farmers of the country, I desire to submit for your consideration a final word on their desires as to parcel-post legislation and their objections to the parcel-post section of the bill—commonly spoken of as the Bourne bill—as it now stands.

The speech delivered in the Senate on July 23 by the Hon. ORADIAH GARDNER, of Maine, and printed in the RECORD of that date, clearly sets forth the views of the farmers as to what constitutes an adequate general parcel post, and we respectfully urge you to give this speech your careful consideration. I beg to differ from the statement made in the committee report (No. 955, p. 16) that "neither has the public in mind government ownership of express companies." The farmer organizations are practically unanimous in their demands for a postal express founded on the absorption of the express companies' package business as set forth in Senate bill No. 5474. Senator GARDNER submitted abundant evidence in his speech to prove this. We have not urged that legislation should be enacted at this session providing for establishing the postal express, but we have urged that the investigations so well begun in Congress should be continued by the appointment of a joint committee of the House and Senate, said committee to report at the next session. We have urged further that whatever legislation is enacted at this session should be considered merely as a beginning, and that no limited parcel-post measure could be accepted as meeting the reasonable expectations of the people which did not provide in unmistakable language for:

(a) The handling of farm products;

(b) For the regulation of rates, weights, and zones by the Postmaster General, subject to the review or order of the Interstate Commerce Commission; and

(c) For the appointment of a joint committee, above referred to, to continue the investigations.

The Bourne bill is unsatisfactory as it stands even as a beginning. I submit the main objections:

(1) It does not contain the above provisions.

(2) Measured by the Government cost the short-distance rates (the rates for city and rural routes excepted) are exorbitant and penalize the short-distance shipper and subsidize the long-distance shipper.

(3) The rates proposed are, in the main, higher than the express rates for corresponding distances—so high in fact as to give over all the most profitable business to the express companies.

From the data furnished in the report on the Post Office appropriation bill (Rept. No. 955), I have compiled the following tables, which show the injustice and impracticability of the rates of the Bourne bill, except the local rates for city and rural routes which we indorse.

The Bourne bill rates and corresponding express rates ordered by the Interstate Commerce Commission for express rate zone No. 1.

Pounds.	Outer limits of zones in miles.							
	50		150		300		600	
	1	2	1	2	1	2	1	2
1	05	....	06	....	07	....	08	....
2	08	....	10	....	12	....	14	....
3	11	....	14	....	17	....	20	24
4	14	....	18	....	22	24	26	26
5	17	....	22	23	27	25	32	27
6	20	22	26	24	32	26	38	28
7	23	23	30	24	37	27	44	30
8	26	23	34	25	42	28	50	31
9	29	24	38	25	47	29	56	33
10	32	24	42	26	52	29	62	34
11	35	24	46	26	57	30	68	35

The Bourne bill rates and corresponding express rates ordered by the Interstate Commerce Commission for express rate zone No. 1—Con'd.

Pounds.	Outer limits of zones in miles.								
	1,000		1,400		1,800		All above 1,800.		
	1	2	1	2	1	2	1	2	2
								Miles.	*Miles.*
1	09	....	10	....	11	....	12	2,000	3,000
2	16	....	19	....	21	....	24	.....	.....
3	23	26	28	29	31	33	36	39	49
4	30	28	37	32	41	38	48	45	59
5	37	30	46	34	51	42	60	51	68
6	44	32	55	37	61	47	72	57	78
7	51	34	64	40	71	51	84	64	88
8	58	36	73	43	81	56	96	70	97
9	65	38	82	46	91	60	108	76	107
10	72	39	91	49	101	64	120	82	116
11	79	41	100	53	111	69	132	89	126

Column 1, Bourne bill rate.

Column 2, express rate on the average.

Express-rate zone No. 1 includes all territory east of the Mississippi River north of Washington, D. C., the southern boundary of Ohio, Indiana, Missouri, except Michigan north of Grand Rapids, Wisconsin north of Milwaukee, and Minnesota.

All the Bourne rates below the line dividing the table into two parts are higher than the express rates, making competition with the express companies impossible.

The Bourne bill rate on 11 pounds for 150 miles is 57 cents; the express rate for the same distance is 28 cents, or less than half.

In the 50-mile zone all rates for weights above 6 pounds are above the competing point with the express companies.

In the 150-mile zone all rates for weights above 5 pounds are above the competing point.

In the 300-mile zone all rates for weights above 4 pounds are above the competing point.

In the 600-mile zone, and in all succeeding zones up to 2,000 miles, all rates for weights above 3 pounds are above the competing point.

That is to say, that all the best part of the territory and all the best part of the business is surrendered to the express companies.

If this were necessary in order to provide self-sustaining rates, there would be some excuse for such rates, but in some instances the rates are considerably over 100 per cent above cost, and this, too, after the liberal profit on overhead charges provided by Senator BOURNE has been figured in the cost. A comparison of the Bourne rates with the Government cost shows the injustices of the Bourne bill rates, and by including in the comparison the express rates which the parcel post must meet in competition we can see how much lower it is perfectly feasible to make rates yielding the Government a good profit. To complete the comparison we should add the rates which taking over the express company contracts would make feasible.

In the tables which follow the Bourne bill rates for 5 and 10 pounds are submitted in comparison with—

(a) The new express rates;

(b) The Government cost;

(c) Rates feasible under present railway mail contracts; and

(d) Rates feasible with the postal-express rates provided for in the Gardner bill (S. 5474).

Comparison of rates for 5 pounds from 50 to 1,200 miles, by distances of 50 miles.

Rates.	Miles.											
	50	100	150	200	250	300	350	400	450	500	550	600
	Cts.	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*
Bourne bill	17	22	22	27	27	27	32	32	32	32	32	32
1. Express	22	23	24	24	25	25	26	26	27	27	27	28
2. Government cost	6.7	8	9.3	10.6	12	13.2	14.5	15.7	17	18.3	19.6	20.9
3. Feasible under present railway mail contracts.	14	14	14	14	19	19	19	19	24	24	24	24
4. Feasible postal express	8	9	10	10	11	12	12	13	13	13	14	14

Rates.	Miles.											
	650	700	750	800	850	900	950	1,000	1,050	1,100	1,150	1,200
	Cts.	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*
Bourne bill	37	37	37	37	37	37	37	37	46	46	46	46
1. Express	29	29	30	30	31	31	32	32	33	33	34	34
2. Government cost	22.2	23.5	24.8	26.1	27.4	28.7	30	31.2	32.5	33.8	35.1	36.4
3. Feasible under present railway mail contracts	29	29	29	29	34	34	34	34	39	39	39	39
4. Feasible postal express	14	14	15	15	15	15	16	16	16	16	17	17

Comparison of rates for 10 pounds from 50 to 1,200 miles, by distances of 50 miles.

Rates.	Miles.											
	50	100	150	200	250	300	350	400	450	500	550	600
	Cts.	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*
Bourne bill	32	42	42	52	52	52	62	62	62	62	62	62
1. Express	24	26	27	28	29	30	32	33	34	35	36	37
2. Government cost	11	13.6	16.2	18.8	21.3	23.9	26.5	29.1	31.7	24.2	36.8	39.4
3. Feasible under present mail contracts	24	24	24	24	34	34	34	34	44	44	44	44
4. Feasible postal express	16	17	18	19	20	21	21	22	23	23	24	24

Comparison of rates for 10 pounds from 50 to 1,200 miles, by distances of 50 miles—Continued.

Rates.	Miles.											
	650	700	750	800	850	900	950	1,000	1,050	1,100	1,150	1,200
	Cts.	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*
Bourne bill	72	72	72	72	72	72	72	72	82	82	82	82
1. Express	38	39	39	40	41	42	43	43	45	46	47	49
2. Government cost	42	44.6	47.1	49.7	52.3	54.9	57.4	60	62.6	65.2	67.8	70.4
3. Feasible under present mail contracts	54	54	54	54	64	64	64	64	74	74	74	74
4. Feasible postal express	25	25	26	26	27	28	29	30	31	32	32	33

1. Express rates ordered by Interstate Commerce Commission in zone No. 1 (including all territory east of the Mississippi River north of Washington, D. C.; southern boundary of Pennsylvania, Ohio, Indiana, and Missouri, except Michigan north of Grand Rapids; Wisconsin north of Milwaukee and Madison; and Minnesota).

2. Government cost under present railway mail contracts compiled from the official data in Senate Report No. 955 on post office appropriation bill.

3. Rates based on Government cost, so as to provide self-sustaining rates of real service to the people and competitive with the express rates, so far as practicable, under present railway mail contracts.

4. Rates feasible with the postal express proposed in the Gardner bill (S. 5474).

These tables I submit demonstrate—

(1) The impracticability of the Bourne bill.

(2) That compared with cost the Bourne bill rates are unnecessarily high.

(3) That rates insuring the Government a good margin of profit can be formulated that are lower than the corresponding express rates in a large part of the territory, namely:

(a) For the 5 pounds up to 800 miles and fairly competitive up to 1,000 miles; and

(b) For the 10 pounds up to 200 miles and fairly competitive up to 400 miles.

(4) The impossibility of making rates under the existing railway contracts that can compare with express rates in the long hauls up to 2,000 miles.

(5) The tremendous advantage the Government would have in making postal express rates if it secured the express railway contracts as provided for in the Gardner bill (S. 5474).

I call your attention to the following from Senator BOURNE's report (p. 12, Rept. No. 955):

"The department estimates that it costs the Government under existing conditions and contracts $0.00258 to transport 1 pound of fourth-class matter 50 miles. One cent is our smallest unit of money; hence if we make any transportation charge for 50 miles it is necessary to make a cent-per-pound charge, although giving the Government nearly 300 per cent profit on the transportation charge. There will not be so large a profit on the handling charge."

What kind of a show would any express company have before the Interstate Commerce Commission if it was demonstrated that it had 300 per cent profit in the transportation charge of any of its rates in addition to a profit, though not so large, in the handling charge? Surely this can not be called scientific rate making. I call your attention also to the important fact that this enormous profit had reference to the rates proposed in the first Bourne bill. If adding 1 cent per pound to the 50-mile zone rate gave the Government a transportation profit of nearly 300 per cent, what profit does the Government get by adding 2 cents instead of 1, as is the case in the rates adopted?

The evidence is conclusive that the rates proposed for the 50-mile zone in the first Bourne bill would give the Government a good margin of profit in a zone of 200 miles. I submit the figures in comparison with the Government cost up to 200 miles.

Bourne bill rate for 50-mile zone compared with Government cost for 50, 100, 150, and 200 miles.

	Pounds.										
	1	2	3	4	5	6	7	8	9	10	11
Government cost:	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*	*Cts.*
50 miles	3½	4½	5	6	6¾	7½	8¼	9¼	10½	11	12
100 miles	3½	4½	5¾	7	8	9	10¼	11½	12½	13½	14¾
150 miles	3¾	5½	6¾	8	9½	10½	12	13½	14¾	16½	17½
200 miles	4	5¼	7¼	10	10½	12¼	14	15	17	18¼	20½
Bourne bill rate for 50-mile zone	5	8	11	14	17	20	23	26	29	32	35
Bourne bill rate for 50-mile zone originally proposed	6	8	10	12	14	16	18	20	22	24	26

The rates proposed by the report for the 50-mile zone with the single exception of the 1-pound rate are equal to the Government cost at 450 miles, and the original Bourne bill rates for the same zone are equal to the cost for the first pound for a distance of 600 miles, for the second pound over 400 miles, for the third and fourth pounds over 350 miles, and for all the weights over 4 pounds over 300 miles. If these original Bourne bill rates for the 50-mile zone were adopted for a first zone of 200 miles, it would provide lower rates than the express rates and give the Government control of all small package trade within a 200 mile radius and yield the Government a profit within all that territory of an average of over 100 per cent above cost. The tables show that the profit would be on an average of 80 per cent computing the business entirely on packages at the full maximum weight, whereas the greatest bulk of the packages are but fractions of these maximum weights and the Government profit on these fractions is so enormous as in the judgment of many experts to be amply sufficient to yield the Government a big profit, even if rates were computed at the actual cost of the maximum weights and distances. In the face of such possibilities of making profit-producing rates lower than the

corresponding express rates, what justification can there be for "jumping" the rates to a much higher level than the rates at first proposed instead of reducing them to a competing level with express rates? While no doubt not intended, it is a surrender to the express companies and a guarantee of protection to them in their monopoly. The committee devotes six lines in the report to a justification. I quote:

"There was also a fear on the part of some that the proposed rates would not be self-sustaining. Partly because of this and party because of the desire to give the local merchants more protection against catalogue houses the rates for the shorter distances were slightly raised, as will be seen by reference to the printed bill."

The short-distance rates are raised enormously above cost, while the long-distance rates remain the same, thus bringing the rates proposed more nearly to the level of a general flat rate, and yet the argument is seriously put forth that it is to give the local merchant more protection against catalogue houses. If increasing the short-distance rates will protect the local merchant, why not increase it to the level of the flat rate? If the argument is sound, it would be more honest to abolish the zone system entirely. The vital essence of a perfect zone system is rates in each zone based on cost, and to increase the short-haul rates away above cost and ever so much higher than competing express rates is to destroy the tremendous advantages of the zone principle. And we are asked to accept this as scientific rate making, and the people are to be compelled to accept such a bill without any power of review for the readjustment of rates or correction of such glaring errors, until another Congress under stress of aroused public opinion makes the revision and establishes a parcel post on true scientific lines.

The postal railway pay is shown to be about 1 cent (0.01032) per pound for 200 miles (report, p. 12). Why, then, if the country is to be given a square deal, is not 200 miles fixed as the maximum limit of each zone if the 1 cent increase per pound of transportation costs is to be made the basis of division of the country into zones? One hundred miles would be better, so as to make the change in the larger weights average 5 cents instead of 10 cents or more. If this were done it would provide rates as nearly competitive with the express rates as they could be made under the present railway mail pay, while yielding the Government larger profits than are possible under the Bourne rates.

The fact is that it is impossible to establish under present railway mail contracts a parcel post based on any scientific theory of rate making that will be self-sustaining in all cases or provide rates in all cases as low as express rates. The Government must have a transportation cost as low as that of the express companies before that is possible. If your committee, then, having refused to consider the postal express, finds itself under the necessity of making a 12-cents-a-pound rate in all the territory above 1,800 miles, although such a rate is away below cost. I respectfully submit that such rates should be frankly allowed to stand on their own merits and the Government made openly to stand such loss as the business developed may involve. The report shows that the losses would be insignificant even if they actually occurred, as all the territory within 2,200 miles would yield a profit, and that constitutes (excluding Alaska) the bulk of the territory. But whatever the loss, there is absolutely no justification in saddling it on to the farmers and local merchants. Congress should not tolerate any jugglery with the short-haul rates so as to rob the short-distance shipper to make up this loss. That is taxing the many for the benefit of the few. As I have pointed out in previous memorials to your honorable body (S. Doc. No. 557) and in my testimony before the committee, "the farmer, the consumer, and the local merchant have a common interest in the cheapest possible service for the short haul. They have little or no interest in the long haul. The retail trade between the consumer and the merchant is essentially a short-distance proposition. The prosperity of all these will be best served by making the lowest possible rates for the short haul." A zone system that can not be established without increasing the cost of service in any zone can not be called scientific, and one that makes the charge on the short haul outrageously excessive in order to recoup the Government for losses on the long haul at rates away below cost is undemocratic, violates every principle of square dealing, and is against public welfare. To make fair comparison with corresponding express rates Senator Bourne has presented a distance table divided into 36 zones. The express rates, both old and those ordered by the Interstate Commerce Commission, vary even in the larger weights a few cents for short distances. If long experience has taught the express companies that these fine gradations are necessary, why has it not been considered worth while to provide for corresponding gradations in the postal service by providing for administrative regulation if experience proved such gradations desirable? The main protest against the Bourne bill rates are their inflexible rigidity and lack of provision for readjustment without recourse to Congress if the zones and rates now adopted should prove defective in any particular. That the rates proposed in the bill are defective is beyond dispute.

Senator BOURNE says the appointment of a joint committee is unnecessary. On this point the report states:

"We do not submit this substitute as being perfect in all its provisions, but believe that it is approximately scientific in its plan, and that a committee appointed at the beginning of the summer vacation, while a political campaign is in progress, would not, in the four months allotted for the work, add anything of material importance to the information already gathered by a subcommittee of this committee in the investigation which has been conducted during a period of over 11 months, or that such a committee would be able to devise a better plan than that which we respectfully submit."

I respectfully submit that the bill reported by the committee and the committee report are all sufficient evidence of the desirability of the appointment of a joint committee. The bill reported can hardly be considered "approximately scientific," as the report states, for it is plainly an eleventh-hour compromise. It has rates excessively high as compared with the rates of the original Bourne bill which, we must assume, expressed the ripened judgment of Senator BOURNE. The rates of the first bill had received the unqualified indorsement of the Postmaster General. Why, then, were they "jumped" to a much higher lever, a level which the cost statement of the report shows to be wholly unjustifiable and which put them away above the express rates which will go into effect in October? The zones have been changed, and the third-class consolidation has been abandoned. Surely you can not consider these changes, suddenly made on the eve of reporting the bill, as scientifically made, and surely you must admit that changes of such importance so suddenly made are worthy of the most careful consideration by a committee of experts, such as the joint committee would be. There are other grave objections to the bill as reported. It is not only unscientific as to its zone adjustments, but the Robinson plan for determining distances, while admirable in its basic features, is crude and unwieldy in the way the details have been worked out. The evidence is conclusive that it can be greatly simplified, its efficiency increased, and the cost reduced. Surely these are matters worthy of final review by a joint committee.

Another objection of Senator BOURNE to the appointment of a joint committee is that the political distraction would make the work of the committee ineffectual. I respectfully submit that the political turmoil which might prevent any general consideration of parcel-post measures during the next four months by a special joint committee has been continuous during the present session of Congress. Conditions have been such as to absolutely prevent many Senators and Congressmen from weighing all the evidence that should be considered before final action is taken on a matter of such vital importance. If Senator BOURNE is confident that he has produced a bill which will stand the test of time, we are unable to understand why he should oppose the appointment of the special joint committee or the addition of the provision giving the Interstate Commerce Commission power to amend rates and zones, should experience and investigation prove such changes to be desirable. While it is true that an immense amount of valuable data fully covering the subject has been accumulated and is now available in Government documents, little of it beyond that presented by the postal-express advocates is in available form for ready reference by Members of Congress. All the really valuable matter is practically buried in a mass of other matter of no reference value, and if the joint committee is appointed, experts could well occupy the time until after the general election putting this matter into available form, and by a proper codification and index make the matter bearing on any feature of the subject instantly available. Then the briefing of the matter would be comparatively easy, and with these briefs in hand and data available for verification or reference the joint committee could do more effective work in a few weeks than has hitherto been possible.

I append a table of Government costs, together with rates for zones 200 miles apart which would yield the Government a big profit. In my judgment they are the highest rates that should be tolerated in beginning a zone system, and if established, with the other amendments urged, would make a beginning we all could indorse.

Table of Government costs under present railway-mail contracts and feasible parcel-post rates based thereon.

[Compiled from data furnished the Senate Committee on Post Offices and Post Roads by the Second Assistant Postmaster General, Mr. Joseph M. Stewart (S. Rept. No. 955, 62d Cong., 2d sess., pp. 10 and 12.)]

	Pounds.											Average profit.
	1	2	3	4	5	6	7	8	9	10	11	
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Per cent.*
Cost, 50 miles	3.26	4.12	5	5.84	6.7	7.55	8.4	9.3	10.13	11	11.9	110
Cost, 100 miles	3.52	4.64	5.75	6.87	8	9.1	10.2	11.4	12.45	13.6	14.7	80
Cost, 150 miles	3.75	5.15	6.53	7.9	9.3	10.65	12	13.4	14.8	16.2	17.6	60
Cost, 200 miles	4.04	5.67	7.3	10	10.6	12.2	13.9	15.5	17.1	18.8	20.4	30
Feasible rates up to 200 miles	6	8	10	12	14	16	18	20	22	24	26	[1] 80
Cost, 250 miles	4.3	6.2	8.1	10	12	13.75	15.7	17.52	19.5	21.3	23.2	.....
Cost, 300 miles	4.55	6.7	8.85	11	13.14	15.3	17.5	19.6	21.8	23.88	26	.....
Cost, 350 miles	4.8	7.2	9.62	12	14.5	16.84	19.24	21.65	24.06	26.5	28.86	.....
Cost, 400 miles	5.1	7.8	10.4	13.1	15.7	18.4	21.05	23.72	26.36	29.1	31.7	.....
Feasible rates 200 to 400 miles	7	10	13	16	19	22	25	28	31	34	37	[2] 45
Cost, 450 miles	5.33	8.25	11.2	14.1	17	20	22.86	25.8	27.7	31.7	34.5	.....
Cost, 500 miles	5.6	8.76	12	15.12	18.3	21.5	24.7	27.84	31	34.2	37.4	.....
Cost, 550 miles	5.81	9.28	12.72	16.2	19.6	23	26.5	29.9	33.4	36.8	40.3	.....
Cost, 600 miles	6.1	9.8	13.5	17.2	20.9	24.6	28.3	32	35.7	39.4	43.1	.....
Feasible rates 400 to 600 miles	8	12	16	20	24	28	32	36	40	44	48	[2] 33
Cost, 650 miles	6.4	10.3	14.3	18.3	22.2	26.13	30.1	34.1	38.	42	45.9	.....
Cost, 700 miles	6.7	10.83	15.1	19.25	23.5	27.7	31.9	36.1	40.4	44.6	48.8	.....
Cost, 750 miles	6.87	11.34	15.9	20.3	24.8	29.3	33.7	39.2	42.7	47.1	51.6	.....
Cost, 800 miles	7.13	11.86	16.6	21.4	26.1	30.8	35.5	40.3	45	49.7	54.5	.....
Feasible rates, 600 to 800 miles	9	14	19	24	29	34	39	44	49	54	59	[2] 25

[1] General average.

[2] About.

Table of Government costs under present railway-mail contracts and feasible parcel-post rates based thereon—Continued.

	Pounds.											Average profit.
	1	2	3	4	5	6	7	8	9	10	11	
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Per cent.*
Cost, 850 miles	7.4	12.4	17.4	22.4	27.4	32.4	37.3	42.3	47.3	52.3	57.3	.....
Cost, 900 miles	7.65	12.9	18.2	23.4	28.7	34	39.1	44.4	49.6	54.9	60.1	.....
Cost, 950 miles	7.9	13.4	18.9	24.4	30	35.5	41	46.5	52	57.4	63	.....
Cost, 1,000 miles	8.2	14	19.7	25.5	31.2	37	42.8	48.5	54.3	60	65.8	.....
Feasible rates, 800 to 1,000 miles	10	16	22	28	34	40	46	52	58	64	70	[1] 20
Cost, 1,100 miles	8.7	15	21.2	27.5	33.8	40.1	46.4	52.6	58.9	65.2	71.5	.....
Cost, 1,200 miles	9.2	16	22.8	29.6	36.4	43.2	50	56.6	63.6	70.4	77.2	.....
Feasible rates, 1,000 to 1,200 miles	11	18	25	32	39	46	53	60	67	74	81	[1] 16
Cost, 1,300 miles	9.71	17	24.33	31.64	38.6	46.3	53.6	60.9	68.3	75.5	82.8	.....
Cost, 1,400 miles	10.3	18.1	25.9	33.7	41.6	49.4	57.2	65	72.8	80.7	88.5	.....
Feasible rates, 1,200 to 1,400 miles	12	20	28	36	44	52	60	68	76	84	92	[1] 12
Cost, 1,500 miles	10.8	19.1	27.5	35.7	44.2	52.5	60.8	69.2	77.5	85.9	94.2	.....
Cost, 1,600 miles	11.3	20.2	29	37.9	46.7	55.6	64.4	73.3	82.1	91	100	.....
Feasible rates 1,400 to 1,600 miles	12	22	31	40	49	58	67	76	85	94	103	[1] 8
Cost, 1,700 miles	11.8	21.2	30.6	39.8	49.4	58.7	68	77.5	86.8	96.2	105.6	.....
Cost, 1,800 miles	12.3	22.2	32.1	42	51.9	61.8	72.6	81.5	91.4	101.3	111.2	.....
Feasible rates, 1,600 to 1,800 miles	12	24	34	44	54	64	74	84	94	104	114	[1] 7½
Cost, 1,900 miles	12.8	23.3	33.7	43.9	54.6	64.9	75.2	85.8	96.1	106.5	117	.....
Cost, 2,000 miles	13.4	24.3	35.2	46.1	57	68	78.9	89.8	100.7	111.6	122.6	.....
Feasible rates, 1,800 to 2,000 miles	12	24	36	48	59	70	81	92	103	114	125	.....
Cost, 2,001 miles	13.4	24.3	35.2	46.1	57	68	78.9	89.8	100.7	111.6	122.6	.....
Cost, 2,100 miles	13.8	25.4	36.8	48	59.8	71.1	82.4	94.1	105.4	116.8	128.4	.....
Cost, 2,200 miles	14.4	26.3	38.3	51.3	62.2	74.2	86.2	98.1	110	122	134	.....
Cost, 2,500 miles	15.9	29.4	42.9	56.4	69.9	83.4	96.9	110.4	123	137.4	151	.....
Cost, 3,000 miles	18.5	34.6	50.6	66.8	82.8	98.9	115	131	147.1	163.2	179.3	.....
12 cents a pound limit rate for all distances are 2,000 miles compete	12	24	36	48	60	72	84	96	108	120	132	.....

[1] About.

Competing express rates in last zone showing the small volume of business the post office would have at the 12-cent-a-pound rate in any event.

	Pounds.										
	1	2	3	4	5	6	7	8	9	10	11
Express rates:	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
2,150 miles	27	33	40	46	53	60	66	73	79	86	93
2,300 miles	28	34	41	49	56	63	70	77	84	91	99
2,500 miles	28	36	44	51	59	67	75	83	91	98	106
2,750 miles	29	37	46	55	63	72	115	89	98	106	115

At 2,150 miles express rates are lower than Bourne bill rates on all weights above 3 pounds.

At 2,500 miles express rates are lower than Bourne bill rates on all weights above 4 pounds.

At 2,750 miles express rates are lower than Bourne bill rates on all weights above 6 pounds.

As express rates provide c. o. d. privileges, insurance, etc., the advantages in favor of the express are such that there is no prospect of parcel-post business at these distances above 3 pounds at a 12-cent per pound rate. The farmer, the consumer, and the local merchant are not interested in the long-distance haul, so there will be no increase of business in the last zone from the extension of the service to villages and rural routes. The amount of parcel-post business in this zone in all distances below 3,000 miles would be negligible.

The estimates of profit in each zone in the above table do not take into account the profit the Government would have in the fractional weights. The average weight of a package is about one-half pound below the maximum weight, and as the Government mail pay at 2,500 miles is 12.9 cents per pound, there would be a further saving to the estimated cost of 6.4 cents in each zone. This would bring the 1 and 2 pound rates in the last zone to show a profit of 2½ and 1 cent, respectively, and would reduce the average loss for all weights to approximately one-quarter of 1 cent per pound, a loss so small that it would be more than made up by the profit in the liberally computed costs of the overhead charges. The profit to the Government in each zone, by allowing a half-pound reduction in the railway mail pay for the fractional weight of the average package, would be 30 per cent in the 1,000-mile zone, 26 per cent in the 1,200-mile zone, 24 per cent in the 1,400-mile zone, 22 per cent in the 1,600-mile zone, 20 per cent in the 1,800-mile zone, and 16 per cent in the 2,000-mile zone. Thus such a series of zones as we have suggested can be operated without any loss and be brought within the range of competition with the express companies. Even such rates as these should not be enacted into law without provision for their regulation by the administrative branch of the Government. They are outrageously high as compared with the feasible postal-express rates, as a comparison of these rates with the table in Senator GARDNER'S speech and the brief comparison I have made herein will show. The great snag in the way of making really low rates is the railway mail pay on hauls of over 400 miles. The average railway mail pay for 2,500 miles is $258 per ton. The old express company pay to railroads for the same distance on a 10-pound package is less than $140 per ton and under the new rate less than $94 per ton. Is it not in the public interest for Congress to take into consideration this enormous difference in railway pay in its efforts to establish profitable long-haul rates? We ask for a joint committee to carefully consider these things, and on this point we desire to unqualifiedly indorse the statement of Senator BOURNE on page 14 of the report, namely:

"Formation of legislative commissions or committees, rather than delegating the power to administrative commissions, appeals to me most strongly. I feel that all governmental problems requiring legislation should be worked out through ascertainment studies conducted by joint committees of the two branches of Congress. Thus is insured the appearance on the floor of both Houses of the individuals directing the method of ascertainment, and being the authors of the deductions and recommendations based on the same."

I repeat and can not impress on you too strongly that the farmers are not opposing parcel-post legislation, even if the rates are outrageous and unfair. Our protest is against the ironclad provisions that make the Bourne bill a finality, absolutely prohibiting any readjustment as errors are detected and experience proves their necessity, and the elimination of the House provision for a joint committee. On these points Senator GARDNER voices the sentiment of the farmers in his speech. I quote.

"No parcel post or postal express legislation will be satisfactory in practice that does not provide for administrative control over the adjusting of rates and weight limits, and the other conditions of traffic movement, as experience in practical operation may demonstrate to be necessary to move the traffic and give the best service. With such provisions properly safeguarded to protect the public from administrative abuses, Congress can, regardless of widely divergent opinions on these features, enact a parcel post or postal express bill which, whatever the rates, weights, and zones first put into effect may be, will give the country almost immediately the best postal-package system of any country. Instead of following haltingly behind other nations, this great Republic should at once take the place of leader among the nations of the world in providing the best possible form of public service for the benefit of its people. There has been considerable criticism indulged in by the public press and by some Members of this Congress as to who would be responsible for the failure of Congress at this session to enact a parcel-post bill regardless of whether it meets public needs or not. I want to go on record right here that those Senators and Members of the House alone are responsible who insist upon a rigid bill as to rates, weights, and zones, and who refuse to incorporate several indispensable

elements to a working system, or support any parcel-post or postal-express bill that provides for their administrative regulation. On them must rest the responsibility if this Congress fails to enact adequate legislation on this matter so vitally important to the prosperity of the whole people."

And again:

"Mr. President, 90,000,000 of people are to be directly affected by the adoption of parcel-post legislation. The great consuming public will bear a heavier burden or become a larger beneficiary as an inadequate or adequate parcel post is established. Are the 49,000,000 of people in our cities and towns to have the advantage of a low transportation charge for the small shipment? Are the forty-odd millions in our agricultural sections to have the relief from unequal transportation facilities that they have been asking of Congress for years? Gentlemen, the eyes of these people are now turned upon the Senate. They believe they have a right in demanding recognition of their needs. They do not ask that the Senate spend the rest of the summer discussing this subject. They do not want the Senate to accept any old bill bearing the name of "parcel post" in an attempt to satisfy them or make political capital. They do want the Senate to give this question, which is all important to them, the attention its importance requires. They are willing that Congress should take the time necessary to obtain the best parcel-post system. They are satisfied that the House of Representatives has honestly tried to meet their demands and in the action it has taken is trying to grant their demands, but they are determined that their efforts to secure a real, workable parcel post, as good as that enjoyed by Germany, shall be crowned with success."

The preliminary work for establishing a general parcel post has been well done so far as it has gone; but the joint committee is, in our judgment, absolutely necessary to complete the work in order to insure a general parcel post of real service to the people. We therefore respectfully urge that the parcel-post section of the appropriation bill be amended to include the amendments urged in this memorial.

Respectfully submitted.

FARMERS' NATIONAL COMMITTEE ON POSTAL REFORM,
By GEORGE P. HAMPTON,
Secretary.

RAILROAD, TELEGRAPH, AND TELEPHONE FRANCHISES IN PORTO RICO (S. DOC. NO. 894).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

As required by section 32 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of franchises granted by the Executive Council of Porto Rico, which are described in the accompanying letter from the Secretary of War transmitting them to me. Such of these as relate to railroad, street railway, telegraph, and telephone franchises, privileges, or concessions have been approved by me, as required by the joint resolution of May 1, 1900 (31 Stat., 715).

WM. H. TAFT.

THE WHITE HOUSE, *August 3, 1912.*

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 22195) to reduce the duties on wool and the manufactures of wool.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 4663. An act granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric-transmission lines across the Vancouver Military Reservation, in the State of Washington;

H. R. 15509. An act to authorize the construction of a sewer pipe upon and across the Fort Rodman Military Reservation at New Bedford, Mass.; and

H. R. 24450. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WARREN. I believe the pending question is upon the adoption of the conference report on the legislative appropriation bill (H. R. 24023).

Mr. LODGE. I hope action will not be demanded on that report. It is 6 o'clock; we have been in session about seven hours; and the attendance in the Senate is very thin. There is a matter involved in the conference report which I regard of very great importance—the matter affecting the tenure of the civil service—on which I wish to be heard briefly. I have no desire to detain the Senate unreasonably, but I think it is a matter too important to be disposed of at this moment. There are other Senators, I know, who desire to be heard on it, and I hope the Senator will not press it at this time.

Mr. WARREN. That is the pending question. While I did not expect to demand, or could not demand, a vote it seemed to me that in the press of business we are under, when last night we had an evening session, we might run on for a half hour or an hour and try to dispose of some of the pending business. We have at the desk some other conference reports, all of which are important.

If the Senator will allow me, I want to say that, with the rumors that have circulated for the last 20 or 30 days as to what might happen to this bill in a certain quarter, it does seem to me if we expect to get through in any reasonable season this summer we ought to improve all the time possible and dispose of this bill in some manner, so that we may get to the end of the lane.

I have no desire to cut anyone off; I simply desire to transact the public business as rapidly as possible.

Mr. LODGE. I sympathize fully with the Senator's desire. I have not done anything, I think, to delay the transaction of the public business, but this is a very important matter. The debate was stopped in the middle by the impeachment proceedings. As I said, I desire to say something on that point, and there are other Senators I know who desire to say something about it. I shall be very brief, but it is a matter upon which we ought to have a vote. Many Senators have already gone. I think on a matter of such importance it might well go over.

I have no desire to prevent the Senate from sitting and disposing of other conference reports. If there are other reports to which there is no objection, I shall be only too glad to stay for that purpose, but this one I hope may be allowed to go over until Monday.

Mr. WARREN. The conference report that follows this one will probably provoke discussion too. I want earnestly to express my readiness and my anxiety to bring to a close the consideration of these measures, but if the Senate is unwilling to proceed I am helpless of course, and I shall be obliged to lay it aside. According to the notice just elicited by the inquiry of the chairman of the Committee on Finance, there will come up on Monday a privileged question which is of even higher privilege perhaps than the laid-over report, that of another conference committee.

I can only say that I give notice now that I shall ask the Senate to proceed to the consideration and finish of this conference report immediately after the conference report is presented, notice of which has just been given.

The PRESIDENT pro tempore. What is the further pleasure of the Senate?

Mr. OVERMAN. I move that the Senate adjourn.

Mr. BOURNE. Mr. President——

Mr. OVERMAN. If there is any business to be brought up I will withdraw it. But there is no quorum here to do business.

Mr. BOURNE. Will the Senator withdraw his motion for a moment?

Mr. OVERMAN. I will withdraw it.

Mr. BOURNE. I understand that the Post Office appropriation bill, under the unanimous-consent agreement, was before the Senate when I yielded to the Senator from Wyoming, the chairman of the Committee on Appropriations. I was going to suggest that we adjourn to meet on Monday morning at 10 o'clock.

Mr. OVERMAN. I will accept that and move that the Senate adjourn to meet at 10 o'clock Monday morning.

Mr. PENROSE. Had there not better be made a regular order for meeting next week at 10 o'clock?

Mr. BOURNE. I would be glad to have that done.

Mr. PENROSE. I move that hereafter the hour of meeting of the Senate be 10 o'clock a. m., until otherwise ordered.

Mr. GALLINGER. We adopted just two days ago an order to meet at 11 o'clock, and if agreeable to the Senator I should like to have him let it go over until Monday. I think we can have an agreement then to make the hour of meeting 10 o'clock, and we will adjourn to-night to meet on Monday at 10 o'clock.

Mr. PENROSE. Very well.

The PRESIDENT pro tempore. The motion is that the Senate do now adjourn to meet at 10 o'clock Monday morning.

The motion was agreed to; and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, August 5, 1912, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *August 3, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal and ever-living God, we would approach Thee in the spirit of Him who taught us to pray: Our Father, who art in heaven, hallowed be Thy name; Thy kingdom come; Thy will be done in earth as it is in heaven. Give us this day our daily bread. And forgive us our debts, as we forgive our debtors. And lead us not into temptation, but deliver us from evil. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 129. Joint resolution to provide transportation for American citizens fleeing from threatened danger in the Republic of Mexico.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4663) granting to the Washington-Oregon Corporation a right for an electric railroad and for telephone, telegraph, and electric-transmission lines across the Vancouver Military Reservation, in the State of Washington.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. J. Res. 129. Joint resolution to provide transportation for American citizens fleeing from threatened danger in the Republic of Mexico; to the Committee on Military Affairs.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 15509. An act to authorize the construction of a sewer pipe upon and across the Fort Rodman Military Reservation at New Bedford, Mass.; and

H. R. 24450. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 4663. An act granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric-transmission lines across the Vancouver Military Reservation, in the State of Washington.

ORDER OF BUSINESS.

Mr. LLOYD rose.

The SPEAKER. The special order for to-day is that the gentleman from Texas [Mr. HENRY] shall have an hour, immediately after the approval of the Journal, in which to answer the gentleman from Illinois [Mr. RODENBERG].

Mr. HENRY of Texas. Mr. Speaker, with the understanding that the gentleman from Missouri [Mr. LLOYD] is to occupy half an hour on some matters, and that the gentleman from Alabama [Mr. UNDERWOOD] will present a conference report, I yield.

Mr. MANN. Mr. Speaker, there is no understanding about the matter, but I have no objection to the gentleman temporarily yielding.

The SPEAKER. The Chair would rule, if it came up at all, that the conference report would have the right of way over everything.

Mr. GOLDFOGLE. Mr. Speaker, I have a privileged report in respect to an election-contest case, from the Committee on Elections No. 3, which I would like to present.

Mr. UNDERWOOD. Mr. Speaker, I do not like to yield the right of way for the conference report, unless I understand what the gentleman desires.

Mr. GOLDFOGLE. It is the case of Jodoin against Higgins.

The SPEAKER. And the gentleman wants to make a report?

Mr. GOLDFOGLE. Yes; and to move the adoption of the resolution.

The SPEAKER. Is it a unanimous report?

Mr. GOLDFOGLE. Yes.

Mr. UNDERWOOD. Mr. Speaker, I will yield for that purpose.

Mr. HENRY of Texas. Then the understanding is that I am to proceed after that is over, and after the gentleman from Missouri presents the matter from the Committee on Accounts, to take not to exceed 30 minutes, and the gentleman from Alabama presents the conference report.

The SPEAKER. Yes. The strict letter of the rule is that the gentleman may proceed now, but the understanding is that as soon as the matter referred to by the gentleman from New York is attended to, and the gentleman from Missouri presents a resolution, and the gentleman from Alabama gets through with the conference report, the gentleman from Texas may proceed.

CONTESTED-ELECTION CASE OF JODOIN AGAINST HIGGINS.

Mr. GOLDFOGLE. Mr. Speaker, by direction of the Committee on Elections No. 3, I present a privileged report in the case of Raymond J. Jodoin against Edwin W. Higgins, a contested-election case from the third congressional district of the State of Connecticut, and move the adoption of the resolutions recommended by the committee, which I send to the desk and ask to have read.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read as follows:

House resolution 661 (H. Rept. 1136).

Resolved, That Raymond J. Jodoin was not elected a Member of the Sixty-second Congress from the third congressional district of Connecticut and is not entitled to a seat therein.

House resolution 662 (H. Rept. 1136).

Resolved, That Edwin W. Higgins was elected a Member of the Sixty-second Congress from the third congressional district of Connecticut and is entitled to a seat therein.

The SPEAKER. The gentleman from New York states that this is a unanimous report, and unless objection is made the Chair will put the motion on both resolutions. [After a pause.] The question is on agreeing to the resolutions.

The resolutions were agreed to.

HERMAN GAUSS.

Mr. LLOYD. Mr. Speaker, I present the following privileged resolution from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 562 (H. Rept. 1133).

Resolved, That there be paid, out of the contingent fund of the House, to Herman Gauss the sum of $600 for expert and extra services rendered to the Committee on Invalid Pensions from March 4 until October 8, 1911, as examiner by detail from the Pension Bureau, pursuant to law.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

ALLEN D. ALBERT.

Mr. LLOYD. Mr. Speaker, I also present the following privileged resolution from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 555 (H. Rept. 1134).

Resolved, That there be paid, out of the contingent fund of the House, to Allen D. Albert the sum of $1,200 for services rendered to the Committee on Invalid Pensions for the second session of the Sixty-second Congress as examiner by detail from the Pension Bureau, pursuant to law.

Mr. LLOYD. Mr. Speaker, there is an amendment to that resolution which I desire to offer, to strike out, in lines 2 and 3, the words "one thousand two" and insert in lieu thereof the word "six," so that it will read "$600" instead of "$1,200."

The SPEAKER. The question is on agreeing to the amendment.

Mr. FITZGERALD. Mr. Speaker, I would suggest to the gentleman that it is customary to give $500 to these examiners.

Mr. LLOYD. No; $600.

Mr. MANN. I have looked at it, and I think it is in the usual form.

Mr. FITZGERALD. It is customary to include $500 in the appropriation bill, and has been for years, for Mr. Gauss.

Mr. RUSSELL. Mr. Speaker, the gentleman from New York is mistaken about that. Mr. Gauss was paid in the last Congress $2,400.

Mr. FITZGERALD. Oh, the gentleman is mistaken.

Mr. LLOYD. Mr. Speaker, in order that that may be understood, Mr. Gauss has heretofore been allowed from time to time through the Committee on Accounts $1,200 for his services for several years past. He began service in this Congress on the 4th of March of last year and concluded on the 8th day of October of last year, covering a period of about seven months,

for which time he asks $600. That has been allowed in previous resolutions.

Now, this resolution provides pay for Mr. Albert, who has performed duty during this session of Congress, and allows the same amount of $600.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the resolution in lines 2 and 3 by striking out "$1,200" and inserting "$600."

The amendment was agreed to.

The resolution as amended was agreed to.

JOSEPH M. M'COY.

Mr. LLOYD. Mr. Speaker, I submit the following privileged resolution from the Committee on Accounts.

The Clerk read as follows:

House resolution 559 (H. Rept. 1137).

Resolved, That there be paid, out of the contingent fund of the House, to Joseph M. McCoy, the sum of $1,200 for services rendered to the Committee on Pensions for the first and second sessions of the Sixty-second Congress as examiner by detail from the Pension Bureau, pursuant to law.

Mr. LLOYD. Mr. Speaker, the committee offers the following amendment: In line 3, strike out the words "two hundred," so that the resolution will provide for the payment of $1,000 instead of $1,200.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the resolution by striking out, in line 3, the words "two hundred."

The question was taken, and the amendment was agreed to.

The resolution as amended was agreed to.

STEEL TRUST INVESTIGATION.

Mr. LLOYD. Mr. Speaker, I offer the following privileged resolution from the Committee on Accounts.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 632 (H. Rept. 1135).

Resolved, That the sum of $1,000 shall be paid out of the contingent fund of the House of Representatives, on vouchers ordered by the committee appointed under the resolution of the House of Representatives adopted May 16, 1911, to make an investigation for the purpose of ascertaining whether there have occurred violations by the United States Steel Corporation, or other corporations or persons, of the antitrust act of July 2, 1890, and the acts supplementary thereto, the various interstate-commerce acts, and the acts relative to the national banking associations, etc.; and that all vouchers ordered by said committee shall be signed by the chairman thereof and approved by the Committee on Accounts, evidenced by the signature of the chairman thereof.

Mr. MANN. Mr. Speaker, is this the final allowance for the steel investigating committee?

Mr. STANLEY. Yes.

Mr. MANN. How much does it make altogether?

Mr. STANLEY. Thirty-nine thousand dollars.

Mr. MANN. Does the gentleman from Kentucky know how much the printing bill has amounted to?

Mr. STANLEY. That is not presented to this committee.

Mr. MANN. I understand.

Mr. STANLEY. There is a resolution for 10,000 copies of the hearings. Those hearings were not sent out on the instance of members of the committee, only 200 or 300 of them. They were only sent out on requests, and we received requests for about 5,000 daily.

Mr. MANN. How many were printed?

Mr. STANLEY. There were some 6,000 printed, just enough to keep ahead. The rest will be printed and bound and be for distribution. There was an authorization for 10,000.

Mr. MANN. I think there was an authorization for 10,000, but I do not think it was understood they would all be printed unless required.

Mr. STANLEY. I think the authorization gave the right to print and bind the rest if necessary.

Mr. MANN. I do not so recall, but the gentleman may be correct. Has there been any estimate at the Printing Office of what the amount of printing is?

Mr. STANLEY. I have not received such estimate.

Mr. MANN. What occasion is there for binding 5,000?

Mr. STANLEY. There will not be that many. The pamphlet form, with back numbers, continues to come in. I think I have received 600 or 800 requests already for copies in bound form from various sources.

Mr. HUMPHREYS of Mississippi. Does this provide for the printing?

Mr. LLOYD. This has nothing to do with the printing.

The question was taken, and the resolution was agreed to.

CHARLES L. WILLIAMS AND MARSHALL PICKERING.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk, House resolution 565.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 565.

Resolved, That there shall be paid to Charles L. Williams and Marshall Pickering, respectively, as special messengers in the majority and minority caucus rooms, $1,200 per annum each.

The SPEAKER. Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, for how long—forever?

The SPEAKER. The gentleman from New York seems to be asking the gentleman from Missouri a question.

Mr. LLOYD. I did not hear his question.

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, I wish to ask the gentleman how long this is to be.

Mr. LLOYD. One year.

Mr. MANN. This is only an authorization. The gentleman from New York will have to settle that.

Mr. FITZGERALD. I understood it to provide for the payment.

Mr. LLOYD. No; it is just an authorization.

Mr. FITZGERALD. I withdraw the objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

STEEL TRUST INVESTIGATION.

Mr. STANLEY. Mr. Speaker, I ask unanimous consent that on Thursday next, at 11 o'clock, the House convene and proceed with the consideration of the report of the majority (H. Rept. 1127) and the various reports of the minority investigating the affairs of the steel corporation—it would perhaps be more proper to say a discussion of it—from 11 o'clock until 5, and then to consider it at a night session from 8 o'clock until 11.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that on next Thursday——

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I would ask the gentleman from Kentucky in his request to except from the order conference reports and appropriation bills. I do not think we can agree to any order at this time that would give anything the right of way over conference reports and appropriation bills.

Mr. STANLEY. I accept the suggestion.

Mr. BUCHANAN. Mr. Speaker, reserving the right to object, we have had before the House the consideration of H. R. 23673, the seamen's bill, all of which has been read, I believe, except two paragraphs. To me this is emergency legislation, and I believe that this House is properly going to be open to just criticism unless the bill is taken up and passed in time for the Senate to act upon it before Congress adjourns. This is largely due to the fact that we have recently had the great ocean disaster, with the loss of many lives, which a law of this kind, had it been passed before that disaster, would have averted. The lives of many seamen are jeopardized under the present system, and it seems to me that this House ought to find time in the very near future, not later than next Thursday, at least, to take up and pass that bill. It should not take more than an hour's time. Therefore I would like to ask especially the Democratic Members of the House, as well as those on the Republican side who are interested in this matter, to help us get this bill before the House, when it will possibly take less than an hour for its consideration and passage, and get it to the Senate.

Mr. FITZGERALD. I wish to ask the gentleman from Kentucky [Mr. STANLEY] a question. Does this report come in the nature of legislation? Is it in the form of a bill?

Mr. STANLEY. No; there will be no bill.

Mr. FITZGERALD. Is it expected the House will vote?

Mr. STANLEY. No.

Mr. FITZGERALD. The question is just to set aside time for discussion of it?

Mr. STANLEY. Yes.

Mr. BUCHANAN. Mr. Speaker, I do not like to object. I believe it is a matter of great interest to have the steel report discussed, but I am getting in about the position where, unless there is some sincere effort made here to get this bill up and secure its passage, I shall have to object to unanimous consent in the future.

Mr. MANN. Mr. Speaker, reserving the right to object, I suppose what the gentleman from Kentucky [Mr. STANLEY] desires is to have authority on Thursday next to move that the House resolve itself into the Committee of the Whole House on the state of the Union for general debate upon the report of the steel investigating committee?

Mr. STANLEY. That is it.

Mr. MANN. Now, the gentleman couples with his request not to meet at 11 o'clock, but to commence debate at 11 o'clock.

I think that would be better settled afterwards, and the question of a night session settled on Thursday night. I ask that the gentleman modify his request so as to make it in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union, subject to conference reports and appropriation bills.

Mr. STANLEY. I have no objection.

Mr. UNDERWOOD. I can not agree to that myself, Mr. Speaker, because I am perfectly willing and glad for the gentleman to have opportunity for debate. Of course, this report has gone to the calendar. There is nothing in the proposition but to have general debate, and I think it very proper that the gentleman from Kentucky and his colleagues have opportunity to discuss this matter before the committee, but if you go into committee you can not bring up these other bills if you desire to do so.

Mr. BUCHANAN. Mr. Speaker, I think unless there is some time agreed upon as to the seamen's bill, I shall have to object.

Mr. STANLEY. You do not object to this, do you?

Mr. BUCHANAN. Well, I withdraw the objection.

Mr. AUSTIN. Mr. Speaker, I reserve the right to object. If this House can find time to discuss the reports on the steel investigation, losing many hours without final action on those reports, I think that time should be given to the consideration of one of the most important measures that has been pending in this Congress, and that is upon the Dillingham or Burnett bill, looking to the restriction of undesirable foreign immigration. Why waste the valuable time of this House in its closing hours in a useless discussion which does not mean action on the part of the House——

Mr. BOWMAN. Mr. Speaker——

The SPEAKER. Does the gentleman from Tennessee [Mr. AUSTIN] yield to the gentleman from Pennsylvania [Mr. BOWMAN]?

Mr. AUSTIN. In a moment. And deny a day in the House for the consideration of the most important legislation to the American people that is now pending before Congress, namely, for the restriction of undesirable foreign immigration? And, unless there is some understanding in reference to a hearing and consideration of that legislation, I shall object.

Mr. FITZGERALD. Mr. Speaker, does the gentleman yield to me for a question?

The SPEAKER. Does the gentleman from Tennessee yield?

Mr. AUSTIN. Yes.

Mr. FITZGERALD. Does not the gentleman think he should welcome a discussion of this steel report that will clear up some matters connected with the Tennessee Coal & Iron Co., in which the people of his State may be interested?

Mr. AUSTIN. The people of this country are more vitally interested in the subject I have mentioned than they are in a lot of speeches on the subject of the steel investigation, which will be made without any action by Congress on the steel reports.

Mr. FITZGERALD. The gentleman, by indulging in rather extreme language, is endeavoring to avoid the exposition of a lot of valuable information that may not be pleasing to the gentleman's party at this particular time.

Mr. AUSTIN. I do not object to a thorough investigation and airing of every Republican national administration, but every Member of this House knows the appeal that is being made daily for legislation along the lines I have suggested; and unless those in control of legislation give us a promise and an assurance of action on one of these two bills I have named, I shall object to the waste of time in this House for mere discussion.

Mr. BUTLER. Will the gentleman from Tennessee request the gentlemen on the other side to fix a day when we can consider the Dillingham bill or the Burnett bill?

Mr. AUSTIN. Yes; I insist upon a day being named for the consideration of the legislation I have named.

Mr. BOWMAN. Mr. Speaker, will the gentleman yield for a question?

The SPEAKER. Will the gentleman yield?

Mr. AUSTIN. I yield.

Mr. BOWMAN. I want to say, Mr. Speaker, that I have received several hundred letters regarding this immigration question from the people in my district. Those letters have been referred to the House with the request that they should be referred to the committee having charge of this legislation. I have received this morning several letters, and this question should surely be considered by this House and some conclusion arrived at. I fully agree with the opinion of the gentleman from Tennessee [Mr. AUSTIN] that this is an extremely necessary piece of legislation.

Mr. UNDERWOOD. I would like to ask the gentleman which side he is on. [Laughter.]

Mr. BOWMAN. I will state that when we come to the consideration of the bill.

Mr. BURNETT. This is a good time to express yourselves.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] has the floor.

Mr. UNDERWOOD. Mr. Speaker——

Mr. AUSTIN. I yield to the gentleman from Alabama [Mr. UNDERWOOD].

The SPEAKER. Is there objection?

Mr. AUSTIN. I object until we can have an understanding.

Mr. FITZGERALD. Then I demand the regular order. The gentleman can not have an understanding.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] demands the regular order.

TARIFF DUTIES ON WOOL.

Mr. UNDERWOOD. Mr. Speaker, I desire to call up a conference report on the wool bill (H. R. 22195), and ask that the Clerk report it.

Mr. MANN. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. UNDERWOOD. I will ask the gentleman from Illinois if he will not withhold his point of order. There may be some little discussion on the conference report, and I am not going to try to force a roll call on the gentleman in the absence of a sufficient number of Members here. Possibly when we get into the discussion we shall have a quorum here.

Mr. MANN. Mr. Speaker, first I would like to submit a parliamentary inquiry to the Chair.

The SPEAKER. The gentleman will state it.

Mr. MANN. The House having set apart, by special order, one hour for the gentleman from Texas [Mr. HENRY] to address the House immediately after the reading of the Journal, is it in order to call up any other matter?

The SPEAKER. Well, if it were at the beginning of the session, instead of toward the end of it——

Mr. NORRIS. This is not "toward the end of it"——

The SPEAKER (continuing). The Chair would be very much disposed to rule that where an agreement of that kind had been entered into it took precedence over conference reports and everything else. But the business of the House must be wound up some way or other.

Mr. MANN. Was it not for the House, Mr. Speaker, to consider that when it made the order?

The SPEAKER. When the House makes these special orders—if the Chair may be permitted to state the case according to his ideas—it makes them without any consideration whatever.

Mr. MANN. I do not think the House made this order in that way.

Mr. UNDERWOOD. The special order obtained by the gentleman from Texas [Mr. HENRY] was passed over, as was stated in the House, until after the conference report on the wool bill should be disposed of. I understand that if we get the wool bill over to the Senate to-day it will probably be disposed of there and thus expedite adjournment.

The SPEAKER. The Chair will rule that under the agreement that was made here half an hour ago——

Mr. MANN. If the Chair will pardon me, there was no agreement made.

The SPEAKER. If it was not an agreement, what was it?

Mr. MANN. The gentlemen proposed an agreement, but I expressly stated that I would not make any agreement.

Mr. HENRY of Texas. Mr. Speaker, in order to expedite the business of the House, I ask unanimous consent that the conference report on the wool bill be submitted and considered before proceeding with my remarks.

Mr. MANN. It is perfectly patent that the wool bill could not be voted upon for some time, because Members of the House understood yesterday that the distinguished gentleman from Texas [Mr. HENRY] would make his speech this morning. I notice a considerable attendance on the Democratic side of the House and some lack of attendance on the Republican side of the House, denoting the varying degrees of interest that the two sides of the House have in the speech. I suggest that if the gentleman from Texas will go on and make his speech gentlemen on both sides will come in in time for the wool report. But no one now would want to have a roll call on the wool bill without time being allowed for gentlemen to get here. I think it shortens it for the gentleman from Texas to address the House first, and he will hold everybody who comes and attract others to come. [Applause.]

The SPEAKER. Now, the gentleman from Texas [Mr. HENRY] does not seem to care particularly as to the time at which he speaks, and there was some kind of a loose agreement here 30 minutes ago to the effect that certain things should be

attended to. The Chair thinks the gentleman from Alabama [Mr. UNDERWOOD] has the right of way.

Mr. UNDERWOOD. Mr. Speaker, I ask that the gentleman from Illinois make his point of order when we come to a vote on the bill. The House has about as many Members present now as is usual, and it will be after 12 o'clock when the vote will come.

Mr. MANN. Mr. Speaker, does the gentleman intend to consume time on the bill?

Mr. UNDERWOOD. I do not expect to consume any great length of time.

Mr. PAYNE. Mr. Speaker, I do not know anything about it. The report came in late last evening. The gentleman from Alabama asked that the session commence this morning at 11 o'clock, and did so at a time when nearly everybody had left the Chamber. One or two gentlemen have spoken to me about debate on this bill. I do not know whether they want to talk or not. They are not here.

Mr. UNDERWOOD. Mr. Speaker, I ask the Clerk to report the conference report.

Mr. MANN. Mr. Speaker, I think it is taking advantage of the House to have the House meet at 11 o'clock, with the understanding that one gentleman is to occupy an hour, and to then call up another matter in the House, and therefore I insist on the point of order of no quorum.

Mr. UNDERWOOD. Mr. Speaker, it was stated in the RECORD last night that either the wool bill or the conference report on the legislative bill would be considered at 11 o'clock to-day. That was the reason I asked the House to meet at that time.

Mr. MANN. Oh, no; it was stated that the gentleman from Texas would occupy one hour.

The SPEAKER. The gentleman from Illinois makes the point of no quorum. Evidently there is not a quorum present.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following gentlemen failed to answer to their names:

Adair	Dies	Jacoway	Pray
Aiken, S. C.	Difenderfer	Jones	Pujo
Allen	Dixon, Ind.	Kindred	Randell, Tex.
Ames	Dodds	Kinkead, N. J.	Rauch
Anderson, Ohio	Donohoe	Knowland	Redfield
Andrus	Doughton	Konig	Reyburn
Anthony	Dupré	Konop	Richardson
Barchfeld	Dwight	Kopp	Riordan
Barnhart	Dyer	Lafean	Roberts, Nev.
Bartholdt	Edwards	Lamb	Roddenbery
Bartlett	Ellerbe	Langham	Rodenberg
Bathrick	Esch	Langley	Rouse
Bell, Ga.	Fairchild	Lawrence	Rucker, Mo.
Berger	Farr	Legare	Scully
Boehne	Ferris	Levy	Sells
Booher	Fields	Lewis	Shackleford
Borland	Focht	Lindsay	Sharp
Bradley	Fordney	Linthicum	Sheppard
Browning	Fornes	Littleton	Sherley
Burke, Pa.	Gallagher	Loud	Sherwood
Burke, S. D.	Gardner, Mass.	McCall	Slemp
Byrnes, S. C.	Gardner, N. J.	McCreary	Smith, J. M. C.
Calder	Garner	McGuire, Okla.	Smith, Cal.
Callaway	Garrett	McHenry	Smith, N. Y.
Campbell	Glass	McKenzie	Speer
Cantrill	Gould	McKinley	Stack
Carlin	Gray	Macon	Stephens, Miss.
Carter	Gregg, Tex.	Madden	Stephens, Tex.
Cary	Griest	Maher	Sulzer
Clarke, Fla.	Guernsey	Martin, S. Dak.	Talbott, Md.
Cline	Hamilton, Mich.	Mattbews	Taylor, Ala.
Collier	Hamilton, W. Va.	Mays	Taylor, Colo.
Cooper	Hanna	Moon, Pa.	Taylor, Ohio
Copley	Hardwick	Moon, Tenn.	Thayer
Covington	Harris	Moore, Pa.	Thistlewood
Cox, Ind.	Hartman	Moore, Tex.	Thomas
Cox, Ohio	Hayes	Morgan	Turnbull
Cullop	Heald	Morrison	Tuttle
Curley	Helm	Moss, Ind.	Utter
Currier	Henry, Conn.	Murdock	Vare
Curry	Higgins	Nelson	Vreeland
Dalzell	Hill	Nye	Weeks
Daugherty	Hinds	Olmsted	Whitacre
Davenport	Hobson	Palmer	Wilder
Davidson	Howard	Parran	Wilson, N. Y.
De Forest	Hughes, Ga.	Patten, N. Y.	Young, Mich.
Dickson, Miss.	Jackson	Powers	Young, Tex.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "Present."

The SPEAKER. The roll call shows 204 Members present, a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to; and the Doorkeeper was directed to open the doors.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the Clerk may read the statement in lieu of the report.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the Clerk may read the statement instead of the conference report on the wool bill. Is there objection?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 1130).

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the act approved August 5, 1909, entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' is hereby amended by striking out all of Schedule K thereof, being paragraphs 360 to 395, inclusive, and inserting in lieu thereof the following:

"'SCHEDULE K. WOOL AND MANUFACTURES THEREOF.

"'360. On wool of the sheep, hair of the camel, goat, alpaca, and other like animals, and on all wools and hair on the skin of such animals, the duty shall be 29 per cent ad valorem.

"'361. On all noils, top waste, card waste, slubbing waste, roving waste, ring waste, yarn waste, bur waste, thread waste, garnetted waste, shoddies, mungo, flocks, wool extract, carbonized wool, carbonized noils, and on all other wastes and on woolen rags composed wholly of wool, or of which wool is the component material of chief value, and not specially provided for in this section, the duty shall be 29 per cent ad valorem.

"'362. On combed wool or tops and roving or roping, made wholly of wool or camel's hair, or of which wool or camel's hair is the component material of chief value, and all wools and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this section, the duty shall be 32 per cent ad valorem.

"'363. On yarns made wholly of wool, or of which wool is the component material of chief value, the duty shall be 35 per cent ad valorem.

"'364. On cloths, knit fabrics, flannels not for underwear, composed wholly of wool or of which wool is the component material of chief value, women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description and character, clothing, ready-made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, felts not woven, and not specially provided for in this section, webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, on any of the foregoing composed wholly of wool or of which wool is the component material of chief value, and on all manufactures of every description made by any process of wool or of which wool is the component material of chief value, whether containing india rubber or not, not specially provided for in this section, the duty shall be 49 per cent ad valorem.

"'365. On all blankets, and flannels for underwear, composed wholly of wool, or of which wool is the component material of chief value, the duty shall be 38 per cent ad valorem.

"'366. On Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description; on Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description; and on carpets of every description, woven whole for rooms, and Oriental, Berlin, Aubusson, Axminster, and similar rugs, the duty shall be 50 per cent ad valorem.

"'367. On Brussels carpets, figured or plain, and all carpets or carpeting of like character or description; and on velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description, the duty shall be 40 per cent ad valorem.

"'368. On tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on

the warp or otherwise; on treble ingrain, three-ply, and all-chain Venetian carpets; on wool Dutch and two-ply ingrain carpets; on druggets and bockings, printed, colored, or otherwise; and on carpets and carpeting of wool or of which wool is the component material of chief value, not specially provided for in this section, the duty shall be 30 per cent ad valorem.

"'369. Mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and other portions of carpets or carpeting made wholly of wool or of which wool is the component material of chief value, and not specially provided for in this section, shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description.

"'370. On all manufactures of hair of the camel, goat, alpaca, or other like animal, or of which any of the hair mentioned in paragraph 360 form the component material of chief value, not specially provided for in this section, the duty shall be 49 per cent ad valorem.

"'371. Whenever in this act the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other like animals, whether manufactured by the woolen, worsted, felt, or any other process.'

"SEC. 2. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to no other duty upon the entry or withdrawal thereof than the duty which would be imposed if such goods, wares, or merchandise were imported on or after that date.

"SEC. 3. That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed. This act shall take effect and be in force on and after the 1st day of January, 1913."

And the Senate agree to the same.

O. W. UNDERWOOD,
D. W. SHACKLEFORD,
Managers on the part of the House.
ROBERT M. LA FOLLETTE,
J. W. BAILEY,
F. M. SIMMONS,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 22195) to reduce the dutics on wool and manufactures of wool, submit the following written statement in explanation of the action agreed upon and recommended in the accompanying report:

The agreement reached by the conference committee is in the form of a substitute for the House bill and the amendment of the Senate, and is set forth in extenso in the accompanying conference report.

In brief, the salient points of agreement recommended as to the differences between the two Houses on the rates of duty on wool and manufactures thereof are as follows:

The rate of duty recommended on raw wool is 29 per cent ad valorem, instead of 20 per cent ad valorem as proposed in the House bill, and the varying rates, ranging from 10 to 35 per cent ad valorem, on the three classifications of wool proposed by the Senate.

The rate on wool wastes and rags agreed upon is 29 per cent ad valorem, instead of 20 per cent ad valorem as proposed in the House bill and the rates of 25 or 30 per cent ad valorem as proposed in the Senate amendment.

The duty on combed wool or tops agreed upon is 32 per cent ad valorem, instead of 25 per cent ad valorem as proposed in the House bill and 40 per cent ad valorem as proposed by the Senate.

The duty agreed upon for yarns is 35 per cent ad valorem, instead of 30 per cent ad valorem as proposed in the House bill and 45 per cent ad valorem as proposed in the Senate amendment.

The rate of duty on blankets and flannels for underwear is fixed at 38 per cent ad valorem, instead of 30 per cent ad valorem in the House bill for blankets and the cheaper flannels.

The duty agreed upon for cloths, ready-made clothing, knit fabrics, flannels not for underwear, women's dress goods, webbings, gorings, etc., and articles not specially provided for, is 49 per cent ad valorem, instead of the varying rates in the House bill, ranging from 35 to 50 per cent ad valorem, and 55 per cent ad valorem as proposed by the Senate.

Three classifications were agreed upon for carpets, ranging in duty from 30 to 50 per cent ad valorem instead of the varying classifications in the House bill carrying duties from 25 to 50 per cent ad valorem, and 35 per cent ad valorem as proposed by the Senate amendment.

The date when the act shall take effect is made January 1, 1913.

O. W. UNDERWOOD,
D. W. SHACKLEFORD,
Managers on the part of the House.

Mr. UNDERWOOD. Mr. Speaker, the statement that has just been read at the Clerk's desk indicates to the House the difference and the change of rates between the present law and the House bill and the conference report that has been agreed upon by the conferees of the two Houses. A comparison of the rates of duties on imports with the last year on the wool bill shows that the imports on raw wool under the Payne law for the year 1911 amounted to $29,572,000. The amount of estimated imports was $66,000,000 under the House bill. The estimated amount of imports under the conference bill is $60,000,000. With these imports it would show a duty on raw wool raised by the House bill of $13,389,000 and by the conference bill $17,400,000, as against $12,482,000 raised by the present law last year.

The reduction in the rate of duty on raw wool is shown by a comparison of the rate of duty of last year under the Payne bill and the House bill and the conference report to be as follows: Last year the average rate of duty on raw wool was 42.21 per cent of all raw wool imported. The House bill provided a rate of duty of 20 per cent, and the conference report bill provides a rate of duty of 29 per cent. In other words, there will be a reduction of something over 13 per cent ad valorem on raw wool if this bill becomes a law.

Now, in the manufactures of wool last year the total importation under the present law was $18,823,000. The estimated importation under the House bill was $63,000,000. The estimated importation under the conference bill would be $51,000,000.

Under that basis of importation the revenue under the Payne bill last year amounted actually on manufactures of wool to $16,499,000. The estimated revenue under the House bill would have been $27,000,000 and under the conference bill $25,000,000.

The average tax levied by the Payne bill, the present law, on manufactures of wool last year amounted to 87.65 per cent. The estimated tax on manufactures of wool, as provided by the House bill, is 42.55 per cent, and under the conference bill now presented to the House amounted to 48.36 per cent.

So that if this bill becomes a law the reduction of rates on manufactures of wool will be the difference between 87.65 per cent and 48.36 per cent, or 37.5 per cent. The year before that the average rate of duty under the Payne bill was 90 per cent.

Now, assembling the entire woolen schedule, including raw wool and manufactures of wool, the imports under the Payne bill last year were $48,395,000. The estimated amount of imports under the House bill was $130,000,000, and the estimated imports under the conference report bill is $111,890,000. The revenue derived from Schedule K last year amounted to $28,982,000, as compared with $41,904,000 for the year 1910, or a falling off in this schedule of about $30,000,000 last year over the year before. The estimated duty that would be raised by the House bill is about $40,000,000. The estimated revenue that would be raised by the conference bill is $42,000,000. The total ad valorem tax levied by the present law for the year 1911 amounted to 59.89 per cent. The estimated ad valorem rate under the House bill would be 31 per cent ad valorem, and under the conference report 37.98 per cent. In other words, the average ad valorem rate of the House bill was about 7 per cent ad valorem less than the rate proposed in the conference report.

The conference report itself is nearly 22 per cent less than the average rate by the present law.

Now, I am satisfied, Mr. Speaker, that if this bill becomes a law it will raise as much, if not more, revenue, and probably considerably more revenue than is raised by the present law, and yet at the same time there will be a reduction on the entire schedule of something like 22 per cent.

But as the consumer pays the tax on the manufactured product and not on the raw product the real relief to the people would be shown in the difference between the average rate on manufactured wool under the present law of 87.65 and 48.36, the estimated rate under the conference report, or a reduction to the consumer of nearly 40 per cent. Now, Mr. Speaker, I think it is clear that if we can pass a bill that will not reduce the revenue and at the same time make a reduction to the con-

sumers of the United States of 40 per cent of the taxes that they pay on the manufactured wool, that we are accomplishing a great result for the American people. More than that, this bill itself leaves an average ad valorem rate of 48 per cent on manufactured wool. I think it is but just, though, to state that the manufacturer, having to pay the duty on the raw wool, that that should be taken into consideration when you estimate incidental protection that would grow out of a bill of this kind, and as we estimate it that when you carry the raw wool ad valorem rate into the finished product the amount that you have got to estimate to take care of the manufacturer for what he has to pay for the raw wool is about one-half the rate levied on raw wool when you are estimating in ad valorem rates, and the reason of that is that the value has increased and therefore the estimate of the ad valorem rate grows higher, and as under this bill the ad valorem rate is 29 per cent on raw wool, 15 per cent would amount to a compensatory rate to the manufacturer, and deducting 15 per cent from the 48 per cent in this bill that the manufacturer has as an incidental protection leaves an average of 33 per cent incidental protection to the manufacturer. When you consider that for years the great iron and steel industry only had about 33 per cent protection even under a Republican bill and was reduced by the Payne tariff law, it will be greatly reduced by the law that we sent to the Senate the other day, it seems to me clear that the manufacturers of this country, having an incidental protection under this bill of something over 33 per cent, have no right to complain that they will be injured, much less destroyed, by the passage of this bill.

I believe the bill is just to the manufacturer. I believe it is fair and reasonable. I believe it is demanded in the interest of the American people. I believe that this Congress should enact it into law at once. [Applause on the Democratic side.] And now that the President has had a report from the Tariff Board, I think that the American people have a right to demand of him when the Congress of the United States, which is charged with the responsibility of legislation, once more returns its bill to him for his signature. [Applause on the Demoeratic side.] Mr. Speaker, I desire to ask how much time I have consumed?

The SPEAKER. Fourteen minutes.

Mr. UNDERWOOD. I desire to yield——

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. UNDERWOOD. I will.

Mr. LONGWORTH. Is this bill exactly the same as the bill adopted by the conference report?

Mr. UNDERWOOD. There is a clerical change in one line of two words that are added in one line, but outside of that——

Mr. LONGWORTH. What is that?

Mr. UNDERWOOD. There is no change in rates. The gentleman from New York [Mr. PAYNE] has the interlineation there.

Mr. LONGWORTH. I desire to ask the gentleman one more question. He has been speaking about the rates on manufactured wool, and I want to ask him this question: Does the gentleman believe that the rate of 29 per cent on raw wool is a protective rate?

Mr. UNDERWOOD. Well, I will say candidly to the gentleman from Ohio that it is very much higher, I think, than necessary for revenue purposes and that as an independent proposition I would not have agreed to it. I agreed to it as a matter of compromise in order that we may get a bill to the President.

Mr. LONGWORTH. But is it, in the gentleman's judgment, a protective rate?

Mr. UNDERWOOD. Oh, if we look at it from the standpoint of protection, I do not believe that the sheep industry of this country needs any rate for protection whatever. If any rate, looking at it from a protective standpoint, would be a protective rate, the only thing to justify the levying of a tax on raw wool, in my judgment, as shown by the Tariff Board report and by my own opinion on the subject, is to levy a tax for revenue and revenue alone.

Mr. LONGWORTH. Then it is, in the gentleman's opinion, a protective rate.

Mr. UNDERWOOD. I think any——

Mr. LONGWORTH. It is largely in excess of the revenue rate, is it?

Mr. UNDERWOOD. I do not think that there is any rate levied on raw wool justified from the standpoint of protection as the gentleman looks at the standpoint of protection. In other words, as I take it, the position of the gentleman from Ohio on protection is that a rate should be levied that will equal the difference of cost at home and abroad, together with a reasonable profit to the producer. As I understand, that is his position. Now, I say to the gentleman, from my investigation I do not believe that there is any real difference in the cost in this country and abroad on the raising of raw wool, except in merino sheep in Ohio, and there is only 5,000,000 sheep in that herd, and that on all other sheep in the United States, as shown by the Tariff Board's report, there is no difference in the cost of production. I do not think we ought to levy a tax merely to protect one herd of sheep when the sheep raisers of Ohio, as far as cross-bred sheep are concerned, have shown that they can be raised without protection and a living made out of them. There is no justification in merely levying a tax to protect merino sheep when the sheep industry can survive without it, and I think the gentleman himself will agree with me that the report of the Tariff Board shows that there is no difference in cost on other flocks of sheep. Therefore, if that is the case, there is no difference in cost on anything except the merino sheep in Ohio.

Mr. LONGWORTH. I do not agree with the gentleman at all. I think it is shown to the contrary conclusively, but I will not go into that now. Let me ask the gentleman another question. Does he believe the passage of this bill will reduce the price of raw wool?

Mr. UNDERWOOD. Well, I do not know that it will. I think that it will bring about the importation of a larger amount of raw wool. As a matter of fact, last year territorial wool in this country was selling for less than imported wool after you removed the tax. And, therefore, I am not prepared to say that it will reduce the price of raw wool, but I do say most emphatically that if you pass this bill it will reduce the price of a great many articles to the benefit of the American people.

Mr. LONGWORTH. The reason I asked the question is that I want to be perfectly clear as to the gentleman's position. It is this: That the passage of this bill would reduce manufactured wool 40 per cent but would not reduce the price of raw wool at all?

Mr. UNDERWOOD. As I stated to the gentleman, on last year's statement territorial wools last year vary. It might reduce it as to some years, but last year territorial wool was sold cheaper in this country than imported wool with the tariff taken off. And I can not say, under those circumstances, as compared to last year it would reduce the price. It may do this: It may prevent an exorbitant price being asked in the future, but it will undoubtedly reduce the taxes on a great many articles where the present tariff is prohibitive.

Mr. LONGWORTH. I am not speaking of manufactured wool at all.

Mr. UNDERWOOD. I have answerd the gentleman's question.

Mr. LONGWORTH. Let me ask the gentleman one more question as to his position. If it were not for the necessities of revenue, to which he has alluded, would he favor putting wool on the free list?

Mr. UNDERWOOD. If it was not for the purpose of revenue, I would not lay a tax on anything. [Applause on the Democratic side.]

I will ask the gentleman from New York [Mr. PAYNE] how much time he desires me to yield?

Mr. PAYNE. I do not want any more time than the gentleman has already consumed.

Mr. UNDERWOOD. Mr. Speaker, how much time have I consumed?

The SPEAKER. Twenty minutes.

Mr. UNDERWOOD. Then I yield to the gentleman from New York 20 minutes.

Mr. PAYNE. The gentleman from Wyoming [Mr. MONDELL] wants five minutes. That is the only request I have for time.

Mr. UNDERWOOD. I will take pleasure in yielding the gentleman from Wyoming five minutes.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] is recognized for 5 minutes, and then the gentleman from New York [Mr. PAYNE] is to be recognized for 20 minutes.

Mr. MONDELL. Mr. Speaker, the gentleman from Alabama referred to the merino sheep of Ohio as a "herd," which, of course, illustrates how much the gentleman knows about the sheep business. The man who refers to a flock of sheep as a "herd" can not be very well informed on the fundamental propositions connected with the wool industry.

Coming from a State that has nearly a tenth of all the sheep in the Union, and a larger proportion of the sheep of merino blood, I should be very glad indeed if it were possible to settle the question of the wool tariff at this time. And the flock masters whom I represent would be willing to accept any measure which would make it possible, or under which it would be possible, for them to continue in business with a reasonable assurance of a fair profit.

But this bill is objectionable not only to them, but to all who believe in American industries, including both the raising of sheep and the manufacture of wool. First, the bill is not

carefully or wisely drawn. It is not scientific in its schedules. While some of its rates may be high enough, others are altogether too low; and if the average were a correct one, it is not a well-balanced bill, and would be destructive to certain very important lines of industry.

As to the rate on raw wool, not only is the ad valorem itself too low, as shown by the report of the Tariff Board, which, contrary to the views expressed by my friend from Alabama [Mr. UNDERWOOD], shows that the average of American wool needs a protection amounting to about 35 or 36 per cent ad valorem; but, further, no ad valorem rate can properly protect the wool industry; no ad valorem rate on wool can properly protect the American Treasury. Wool is brought from the ends of the earth. It passes through oftentimes half a dozen hands before it finally reaches the customhouse. It is practically impossible for the customs officials adequately and properly and fairly to adjust and levy an ad valorem rate. The result would be inevitably undervaluations, cheating, and fraud. All honest importers would be driven out of the business, and the Treasury would be robbed at one end and the American sheep raisers would be put out of business at the other end.

Not only would the merino-wool industry in this country suffer—and nearly nine-tenths of our sheep have some merino blood in them—not only would the merino-wool industry suffer under this bill, if it were not largely destroyed, but no part of the wool industry could be prosperous under the rate proposed in the manner in which it is proposed as an ad valorem rate, because it can not be administered in a way to afford protection either to the grower of the wool or to the Treasury.

And therefore, though I should be glad to vote for a rate even somewhat lower than the rate which the report of the Tariff Board indicates would be surely protective, if that could settle the question, I can not in justice to the American industries manufacturing wool or in justice to the people who are growing wool on the farms and ranches, support this measure, which would be destructive of all these industries. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Wyoming has expired, and the gentleman from New York [Mr. PAYNE] is recognized for 20 minutes.

Mr. PAYNE. Mr. Speaker, this is substantially the same wool bill that was sent to the President before, and which encountered his veto—not simply because of the report of the Tariff Board, because we did not have it at that time, but also because of the information then at hand that showed it was not a protective measure.

Since that time we have had the report of the Tariff Board, and the mind of the gentleman from Alabama [Mr. UNDERWOOD] is in the same state of confusion on this subject as it was in then. He was then for a revenue duty of 20 per cent, because the Treasury needed it, although at heart he was for free wool. Then, we had the Senate action upon the question, with the same old duty of 35 per cent on wool as now. The majority behind this bill in the Senate seems to have learned nothing from the Tariff Board's report. Then they go into conference, and it is not 20 per cent or 35 per cent as the result, but 29 per cent, and I suppose that all three rates are according to the opinion of all these gentlemen, in accordance with the findings of the Tariff Board.

Now, no intelligent gentleman can read carefully and study the report of the Tariff Board without coming to the conclusion that the necessary lowest protection on wool needed is over 35 per cent. With an ad valorem it ought to be more, because of the undervaluations and the cheating of the duty. They do not seem to have considered at all the recommendations of this board for a specific duty on the scoured content of the wool, which all experts agree is the only scientific way of levying a duty upon wool, instead of resorting to the 29 per cent ad valorem duty; and now the gentleman from Alabama [Mr. UNDERWOOD], toward the close of his remarks, is trying to persuade himself that he is protecting the wool and woolen industry.

Mr. UNDERWOOD. Oh, no; the gentleman is mistaken. I never assumed to protect anybody. I simply stated what the incidental protection was.

Mr. PAYNE. The gentleman says that the duty he provides—29 per cent on wool—is more protection than the wool needs; that it does not need any. If that is not protecting the wool industry, according to that statement, I would like to know what the word "protection" means.

Mr. UNDERWOOD. I would like to ask the gentleman from New York how he can levy any duties without incidental protection.

Mr. PAYNE. Oh, if you put the duty below the difference in cost, it is not protection. Now, in reference to manufactures, he figured that there was a duty of 33 per cent over and above the compensation for the wool duty, and he said that that was more than the difference in cost, and hence was a protection to the wool manufacturing industry. Why is the gentleman making that argument? What is the meaning of this whole performance from beginning to end? Does any gentleman who is for this bill honestly desire that the duties be lowered by legislation, or are we simply still playing politics in sending a bill to the President which we feel sure the President will not sign? Is there some more of this "putting the President in a hole" which did not succeed in the first attempt, and which will not succeed now any better than it did the first time? [Applause on the Republican side.] Because now we have the report of the Tariff Board, which shows that there should be a duty of more than 35 per cent to make up the difference in the cost of the wool generally entering into the market, generally raised both here and in competing countries, the bulk of it.

Now, after allowing proper compensation for the duty on wool, the value of the wool being about about 65 per cent of the cloth, as is calculated by experts, it leaves a margin of less than 30 per cent duty on woolen cloths for the protection of the conversion of the wool into cloth, knit goods, flannels, and all manufactures of cloth in this country over and above the cost in foreign countries. The duty was 40 to 50 per cent in the Wilson bill, because then we had free wool. It was 40 per cent on cloths costing not over 50 cents a pound and 50 per cent on the higher-priced cloth. But what happened under the Wilson bill? I do not care anything about the theories of the gentleman or the theories of any other gentleman. Did or did not nearly every woolen mill and knitting mill in the country close under the Wilson bill? Did or did not the slaughter of the sheep commence and continue during the life of the Wilson bill, and did it stop only when we had the Dingley bill enacted? If there was sufficient protection, why the slaughter of the sheep? If there was sufficient protection on manufactures, why the closing of the mills?

They impudently send this bill to the President, and tell him what? Why, that it is all the protection that is needed under this report of the Tariff Board, when he knows, and the Tariff Board knows, and experts know that it is not protection either to the wool industry or to the manufacturing business. If this is sufficient protection, why does the gentleman calculate that instead of $48,000,000 of imports under the woolen schedule there will be $111,000,000? I think those were his figures as I caught them. Why this increase in imports if there is to be protection under this bill?

And then the gentleman draws on his fancy again, and his interest is for the dear consumer, and he will not stop playing politics even for six months, his interest in the dear consumer is so great; and he says it is not only on the goods that are imported but it is on the goods made here that the consumer has to pay these duties under the present law, which duties we acknowledge are greater than they should be. Yet if there is anything more clearly demonstrated than another in the Tariff Board report, it is that this duty is not added to the price, that the competition on domestic cloths is so great in manufacturing that they are sold in the market at a price much below the cost of imported articles of the same kind with the duty added. The consumer is not paying the duty in that respect. It is one of the things that is so clearly demonstrated in this Tariff Board report that the wayfaring man, though a Representative in Congress, need not err therein.

Now, why do you send this to the President? Do you gentlemen expect he is going to sign it? Not a mother's son of you expects anything of the kind. You know the bill does not give the protection which the report of the Tariff Board shows to be absolutely necessary to make up the difference in cost between this country and the cost abroad. You know that it does not make up that difference. You know that the President of the United States believes, not in overprotection, not in excessive protection, but in protection that makes up the difference in cost. Do you expect him to stultify himself?

Why, gentlemen, you can not keep up this masquerade. You can not fool the people into the idea that no matter how you cut down tariff duties, and cut out an industry by cutting down the duties, you are doing what they want. The majority of the people of this country believe in protection to American industries under tariff laws. The majority of them do not believe in excessive protection, but they believe in that protection which makes up the difference between the cost here and abroad, and you may go on sending your bills to the President, as though you had learned nothing from that wonderful work of the Tariff

Board. You call them compromise measures. Compromise for what purpose? To get something to the President that you believe he will veto. Why do you not take a bill that comes up to the requirements of the report of the Tariff Board? Why do you not take the minority House bill, if you please, and criticize it, and if you can find any flaws in it, correct them, and send that bill to the President, and see whether he will sign or veto it?

I want to say to you gentlemen, if you sent that bill to the President, there would not be any doubt about a radical reduction on the wool schedule during this session of Congress.

Mr. UNDERWOOD. Mr. Speaker——

The SPEAKER. Does the gentleman from New York yield to the gentleman from Alabama?

Mr. PAYNE. Yes.

Mr. UNDERWOOD. The gentleman's point of view, of course, is different from that of gentlemen on this side of the House; but the minority to-day on that side of the House were the majority in the last Congress, and the bill that the present minority and the then majority passed was vetoed by the American people. We prefer a veto at the White House rather than a veto by the American people. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Speaker, there is not a man within the sound of my voice that does not know that we labored to make a better bill than the present law, and still the present law is a better law than has been written on the statute books of this country within the last 50 years with reference to the tariff. [Applause on the Republican side.] I did not get all that I wanted; I was not able to revise this woolen schedule; the time was too short, the information was not sufficient. If we had had the report of the Tariff Board back of us the woolen schedule would have been revised, and in accordance with the ideas of some of the wise politicians who sit on the other side of this Chamber, such a revision of that schedule at that time in connection with the present tariff law would have given us a majority on this side of the Chamber in 1910 instead of a majority on that side.

O gentlemen, do something besides shed crocodile tears for the consumers of this country. Do something besides playing politics. You pretend to be enthusiastically triumphant now about the next election. Why in the world are you all the time neglecting the dear people, with whom you sympathize on these wool duties, to play petty politics, to put the President, nominated for reelection, in a hole, as you say? Why do you not pass that bill which the minority presented, which is a radical reduction in these rates, and still so adjusted as to cover the difference between the cost here and the cost abroad, and send that to the President, and see whether he will sign or veto that bill? If he signs it, it will give the people the relief which you say you are so anxious to give them. Gentlemen, why not revise the woolen schedule so that it will become a law and not revise it simply for election day? Possibly there may be a little boomerang about this joker of yours that you are trying to play for the second time. It did not amount to much when you tried it first, and it will amount to less now.

I am for the relief of these dear people you talk about so much, and I would like to pass the minority bill in this House, which would not only give the people relief but enable the farmers in the Western States to keep on raising sheep. It would enable our mills to run and the prosperity under the present law to be continued. True, if you do not amend the present law, that law is doing well by the people; it is not closing the mills; it is not making farming unprofitable; it does not include free trade on all farm products raised in the North, free trade on all farm products except rice. The farmers are doing well. The factories are doing well. People are at work, and men are agonizing to get people to work in the fields and in certain localities to get people to work in the factories. Perhaps you are doing the best thing to let well enough alone when it is so much better than anything you propose by any of the bills you have brought in here. Keep on playing to the galleries, and by and by, not in the dim and distant future, but in the near by and by, the galleries will be looking down on a majority in this House who are the true friends and not the false friends, like yourselves, of the people of the United States. [Applause on the Republican side.]

I will take advantage of the leave given me to print to add to the foregoing remarks. After they had been delivered it was stated in the House that the average rate of duties under the Wilson law was 40 per cent ad valorem, which, it was stated, is higher than the bill which I offer as a substitute. Of course the latter is nothing but a guess, as you can not get a correct average under any bill except by actual results, and the bill has not yet become a law.

Aside from all this, conditions have changed in the last 18 years, and on both sides of the Atlantic they use more effective machinery and employ more efficient operatives, and the difference in cost of production is less, generally, now than it was 18 years ago.

The bill I offer is based upon a careful study of the Tariff Board report, and I confidently believe is as nearly correct as it can be made. Like the present law, if this bill is enacted it will close no mill and injure no farm. That mills were closed and sheep by the millions were slaughtered under the Wilson law is a matter of history; that the slaughter was stopped and the mills were opened was a result of the Dingley law.

Mr. UNDERWOOD. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, at the special session last year I voted for this conference bill. I propose to vote for it again to-day. [Applause on the Democratic side.] I shall do so, Mr. Speaker, with less hesitation than I did then, for since then we have the report of the Tariff Board. I want to frankly say that I wish the rates in this bill were somewhat higher. I believe that as to some of them they ought to be higher to be clearly beyond the danger point; but, Mr. Speaker, as between the present schedule, the present outrageous schedule of the Payne-Aldrich law and this schedule, I prefer this one. [Applause on the Democratic side.]

So far as raw wool is concerned, Mr. Speaker, it is demonstrated now that the purported protection of the woolgrower in the Payne-Aldrich bill is a fraud upon him, that he does not in fact get more than 50 per cent of the purported protection afforded by that bill. The fact is that this 29 per cent given in this bill, while I would like to see it higher, is actually more than the great majority of the woolgrowers have been getting during the past two years under the Payne-Aldrich law. Now, so far as the manufactures of wool are concerned, so far as the interest of the manufacturer is concerned, it may be that some of the rates in this bill are such that his profits are not going to be so great as what, under ordinary circumstances, would be reasonable.

But, Mr. Speaker, if that be so, it is his own fault, for previous tariff bills have been written by him and for him enabling him to secure exorbitant profits at the expense of the American people. [Applause on the Democratic side.]

Mr. Speaker, let me say further, the Committee on Rules during this session of Congress had an investigation of the Lawrence strike. We made a very thorough investigation of the wages paid in some of the great woolen mills of the country, and found the wages paid in those woolen mills, the highest protected industry in the United States to-day, were such as ought not to exist anywhere in this great American Republic of ours, and if those wages can not be increased, then, I say, we would better get along without woolen mills in this country. I believe in American standards of living, and I believe in a reasonable wage to American laboring people, and if we can not, without taxing the American people millions of dollars a year, do that in our woolen mills, then we had better let those people stay across the water and make the things there and get them cheaper here.

But, Mr. Speaker, it is not so. They can and ought to pay higher wages. The trouble has been that these woolen manufacturers have been getting exorbitant profits and not passing on the protective duties to the laborers. They must be made to understand that if they are to get protection at the hands of the American people, which the Republican Party has always afforded, in order that they shall be able to pay American wages to American laboring men, then they must pass the benefits on to the laboring man.

My friend from Wyoming [Mr. MONDELL] has said that this bill is not carefully drawn; that it is not scientifically drawn, but, Mr. Speaker, the present schedule of the Payne-Aldrich law was too carefully drawn in the interest of the woolen manufacturer. [Applause on the Democratic side.] While this bill may not be and is not as scientifically drawn as I would like to see it, I prefer this bill to the present law, for it does afford protection to a reasonable degree to the American manufacturer and the American woolgrower, and at the same time does afford relief to the people who use woolen goods. I prefer that rather than to maintain the present schedule of the present Payne law, which the President himself has pronounced as indefensible. [Applause.]

Mr. UNDERWOOD. Mr. Speaker, the gentleman from New York [Mr. PAYNE] in his statement about the bill made a very remarkable statement. He said that the rates under the Wilson bill ruined the country. The rates under the Wilson bill were 40 per cent ad valorem. The gentleman now proposes to save the country by advocating the passage of a bill in which he says

the average rate is only 35 per cent. [Applause and laughter on the Democratic side.]

Mr. Speaker, in connection with this debate, I desire to have read from the Clerk's desk a statement of the amount of rates of duty charged under the woolen schedule.

The Clerk read as follows:

Table showing rates collected under the Payne law for the year ending June 30, 1911 (the last full report), as shown by the Bureau of Statistics.

	Per cent.
Class 1 wool, unwashed	43 to 46
Class 1 wool, washed	60 to 97
Class 2 wool	49 to 120
Class 3 wool	30 to 105
Wool and hair advanced	74 to 178
Yarns	76 to 149
Blankets	55 to 168
Carpets	50 to 72
Cloths	63 to 149
Women and children's dress goods	94 to 157
Flannels	71 to 121
Knit fabrics	95 to 153
Plushes	99 to 122
Wearing apparel	65 to 92
All other manufactures of wool	61 to 157

In this table are given the minimum and maximum ad valorem rates for the year 1911 as reported in the volume named.

Mr. UNDERWOOD. Mr. Speaker, the Tariff Board did not think it was necessary to advise the House in its report in reference to blankets and flannels, and I will ask to have read from the desk a statement of the taxes levied on blankets and flannels under the present law.

The Clerk read as follows:

Rates taken from "Imported merchandise entered for consumption in the United States and duties collected thereon for 1911," issued by the Bureau of Statistics.

Blankets costing 47 cents a pound paid 105 per cent; blankets more than 3 yards in length, costing 28 cents a pound, paid 168.54 per cent; valued at 59 cents a pound, 124.94 per cent; valued at 93 cents a pound, 102.54 per cent. Cloth valued at 33 cents a pound paid 149.59 per cent; valued at 60 cents a pound, paid 123.71 per cent; valued at $1.12 a pound, 94.17 per cent; valued at $1.77 a pound, 63.92 per cent; the dearer the cloth the less the rate. Women's and children's dress goods, weighing 4 ounces or less to square yard, costing from 13 cents to 14 cents per square yard, 103 per cent; weighing more than 4 ounces to square yard, costing 38 cents per square yard, 130.68 per cent; costing 61 cents a yard, 116.07 per cent; composed wholly or in part of wool, costing 31 cents a yard, 157.69 per cent; costing 58 cents a yard, 125.82 per cent.

Flannels costing 46 cents per pound, 108 per cent; weighing over 4 ounces to square yard, costing 61 cents per pound, 121.93 per cent; costing 85 cents per pound, 107.08 per cent; knit fabrics costing 32 cents per pound, 153.19 per cent; costing 64 cents per pound, 118.62 per cent; costing $1.10 per pound, 95.09 per cent; plushes costing 60 cents per pound, 122.30 per cent; costing 98 cents per pound, 99.95 per cent; other manufactures, wholly or in part of wool, 157 per cent.

Mr. UNDERWOOD. Mr. Speaker, I move the previous question on the adoption of the conference report.

Mr. PAYNE. Mr. Speaker, before the gentleman does that I desire to ask him a question. The table which has just been read is what? What does the gentleman pretend that to be?

Mr. UNDERWOOD. It is a selection of the rates of duty from the reports of the Bureau of Statistics showing the enormous rates that are levied on some products under the Payne law.

Mr. PAYNE. Was somebody experimenting on importing four or five dollars' worth?

Mr. UNDERWOOD. Oh, no.

Mr. PAYNE. There are those instances in the book, and only those.

Mr. UNDERWOOD. They are instances of how prohibitive the rates are when there are only a few imported.

The SPEAKER. The question is on ordering the previous question on the adoption of the conference report.

The previous question was ordered.

The SPEAKER. The question now is on agreeing to the conference report.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 161, nays 62, answered "present" 5, not voting 162, as follows:

YEAS—161.

Adair	Buchanan	Cullop	Foster
Adamson	Bulkley	Davis, Minn.	Fowler
Akin, N. Y.	Burke, Wis.	Dent	Francis
Alexander	Burleson	Denver	George
Anderson, Minn.	Burnett	Dickinson	Godwin, N. C.
Anderson, Ohio	Byrns, Tenn.	Dixon, Ind.	Goeke
Ansberry	Candler	Doremus	Goodwin, Ark.
Ayres	Carlin	Driscoll, D. A.	Graham
Bathrick	Carter	Evans	Gray
Beall, Tex.	Claypool	Faison	Gregg, Pa.
Berger	Cline	Fergusson	Gudger
Blackmon	Connell	Finley	Hamill
Boehne	Conry	Fitzgerald	Hamlin
Broussard	Cox, Ind.	Flood, Va.	Hammond
Brown	Cravens	Floyd, Ark.	Hanna
Hardy	Lee, Pa.	Peters	Stephens, Cal.
Harrison, Miss.	Lenroot	Post	Stephens, Nebr.
Harrison, N. Y.	Lever	Pou	Stephens, Tex.
Haugen	Lindbergh	Rainey	Stevens, Minn.
Hay	Linthicum	Raker	Stone
Hayden	Littlepage	Ransdell, La.	Sweet
Heflin	Lloyd	Rauch	Taggart
Helgesen	Lobeck	Rees	Talcott, N. Y.
Henry, Tex.	McCoy	Reilly	Thayer
Hensley	McDermott	Roberts, Mass.	Townsend
Holland	McGillicuddy	Robinson	Tribble
Houston	McKellar	Rothermel	Underhill
Howland	Maguire, Nebr.	Rubey	Underwood
Hughes, N. J.	Martin, Colo.	Rucker, Colo.	Volstead
Hull	Miller	Russell	Warburton
Humphreys, Miss.	Morrison	Sabath	Watkins
James	Morse, Wis.	Shackleford	Webb
Johnson, Ky.	Moss, Ind.	Sims	White
Johnson, S. C.	Murray	Sisson	Wilson, Pa.
Kent	Neeley	Slayden	Witherspoon
Kinkaid, Nebr.	Norris	Sloan	Woods, Iowa
Kitchin	Oldfield	Small	Young, Kans.
Korbly	O'Shaunessy	Smith, Tex.	The Speaker
Lafferty	Padgett	Stanley	
La Follette	Page	Stedman	
Lee, Ga.	Pepper	Steenerson	

NAYS—62.

Ainey	French	Kennedy	Prouty
Ashbrook	Fuller	Knowland	Rodenberg
Austin	Gardner, Mass.	Longworth	Simmons
Bates	Gardner, N. J.	McKinney	Smith, Saml. W.
Bowman	Gillett	McLaughlin	Sterling
Burke, S. Dak.	Good	McMorran	Sulloway
Cannon	Green, Iowa	Mann	Switzer
Catlin	Greene, Mass.	Mott	Tilson
Crago	Guernsey	Needham	Towner
Crumpacker	Hartman	Patton, Pa.	Wedemeyer
Curry	Hawley	Payne	Willis
Danforth	Howell	Pickett	Wilson, Ill.
De Forest	Hughes, W. Va.	Plumley	Wood, N. J.
Draper	Humphrey, Wash.	Porter	Young, Mich.
Driscoll, M. E.	Kahn	Pray	
Foss	Kendall	Prince	

ANSWERED "PRESENT"—5.

Burgess	Palmer	Scully	Sparkman
Butler			

NOT VOTING—162.

Aiken, S. C.	Doughton	Kinkead, N. J.	Randell, Tex.
Allen	Dupré	Konig	Redfield
Ames	Dwight	Konop	Reyburn
Andrus	Dyer	Kopp	Richardson
Anthony	Edwards	Lafean	Riordan
Barchfeld	Ellerbe	Lamb	Roberts, Nev.
Barnhart	Esch	Langham	Roddenbery
Bartholdt	Estopinal	Langley	Rouse
Bartlett	Fairchild	Lawrence	Rucker, Mo.
Bell, Ga.	Farr	Legare	Saunders
Booher	Ferris	Levy	Sells
Borland	Fields	Lewis	Sharp
Bradley	Focht	Lindsay	Sheppard
Brantley	Fordney	Littleton	Sherley
Browning	Fornes	Loud	Sherwood
Burke, Pa.	Gallagher	McCall	Slemp
Byrnes, S. C.	Garner	McCreary	Smith, J. M. C.
Calder	Garrett	McGuire, Okla.	Smith, Cal.
Callaway	Glass	McHenry	Smith, N. Y.
Campbell	Goldfogle	McKenzie	Speer
Cantrill	Gould	McKinley	Stack
Cary	Gregg, Tex.	Macon	Stephens, Miss.
Clark, Fla.	Griest	Madden	Sulzer
Clayton	Hamilton, Mich.	Maher	Talbott, Md.
Collier	Hamilton, W. Va.	Martin, S. Dak.	Taylor, Ala.
Cooper	Hardwick	Matthews	Taylor, Colo.
Copley	Harris	Mays	Taylor, Ohio
Covington	Hayes	Mondell	Thistlewood
Cox, Ohio	Heald	Moon, Pa.	Thomas
Curley	Helm	Moon, Tenn.	Turnbull
Currier	Henry, Conn.	Moore, Pa.	Tuttle
Dalzell	Higgins	Moore, Tex.	Utter
Daugherty	Hill	Morgan	Vare
Davenport	Hinds	Murdock	Vreeland
Davidson	Hobson	Nelson	Weeks
Davis, W. Va.	Howard	Nye	Whitacre
Dickson, Miss.	Hughes, Ga.	Olmsted	Wilder
Dies	Jackson	Parran	Wilson, N. Y.
Difenderfer	Jacoway	Patten, N. Y.	Young, Tex.
Dodds	Jones	Powers	
Donohoe	Kindred	Pujo	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted "aye" as above recorded.

So the conference report was agreed to.

The Clerk announced the following pairs:

Until August 28:

Mr. BYRNES of South Carolina with Mr. MADDEN.

Until further notice:

Mr. ROUSE with Mr. VREELAND.

Mr. GALLAGHER with Mr. UTTER.

Mr. KINDRED with Mr. LAWRENCE.

Mr. ALLEN with Mr. BARCHFELD.

Mr. BOOHER with Mr. BARTHOLDT.

Mr. BRANTLEY with Mr. CALDER.

Mr. CALLAWAY with Mr. COPLEY.

Mr. CLARK of Florida with Mr. DODDS.

Mr. COLLIER with Mr. FOCHT.

Mr. CURLEY with Mr. HAMILTON of Michigan.
Mr. CLAYTON with Mr. HEALD.
Mr. DONOHOE with Mr. HINDS.
Mr. DOUGHTON with Mr. KOPP.
Mr. DUPRÉ with Mr. LAFEAN.
Mr. GARNER with Mr. MCCREARY.
Mr. GREGG of Texas with Mr. MCKENZIE.
Mr. HOWARD with Mr. MCKINLEY.
Mr. JACOWAY with Mr. MATTHEWS.
Mr. KINKEAD of New Jersey with Mr. MONDELL.
Mr. LAMB with Mr. SELLS.
Mr. PUJO with Mr. J. M. C. SMITH.
Mr. SULZER with Mr. TAYLOR of Ohio.
Mr. YOUNG of Texas with Mr. VARE.
Mr. SHARP with Mr. WILDER.
Mr. SCULLY with Mr. BROWNING.
Mr. TALBOTT of Maryland with Mr. PARRAN.
Mr. PETERS with Mr. MCCALL.
Mr. LITTLETON with Mr. DWIGHT.
Mr. ELLERBE with Mr. CURRIER.
Mr. MAYS with Mr. THISTLEWOOD.
Mr. EDWARDS with Mr. DALZELL.
Mr. RANDELL of Texas with Mr. SMITH of California.
Mr. RUCKER of Missouri with Mr. DYER.
Mr. FIELDS with Mr. LANGLEY.
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. GARRETT with Mr. FORDNEY.
Mr. HARDWICK with Mr. CAMPBELL.
Mr. LEGARE with Mr. LOUD.
Mr. SHERLEY with Mr. OLMSTED.
Mr. STEPHENS of Mississippi with Mr. MARTIN of South Dakota.
Mr. RICHARDSON with Mr. REYBURN.
Mr. HAMILTON of West Virginia with Mr. MCGUIRE of Oklahoma.
Mr. TAYLOR of Colorado with Mr. AMES.
Mr. KONIG with Mr. HENRY of Connecticut.
Mr. AIKEN of South Carolina with Mr. BURKE of Pennsylvania.
Mr. DIES with Mr. HIGGINS.
Mr. DIFENDERFER with Mr. FARR.
Mr. RODDENBERY with Mr. ROBERTS of Nevada.
Mr. PATTEN of New York with Mr. GRIEST.
Mr. REDFIELD with Mr. SPEER.
Mr. PALMER with Mr. HILL (with mutual privilege of transfer).
Mr. HUGHES of Georgia with Mr. MOORE of Pennsylvania.
Mr. MOON of Tennessee with Mr. MOON of Pennsylvania.
Mr. COX of Ohio with Mr. ANTHONY.
For balance of session:
Mr. TURNBULL with Mr. HAYES.
Mr. BELL of Georgia with Mr. LANGHAM.
Mr. RIORDAN with Mr. ANDRUS.
Mr. GLASS with Mr. SLEMP.
Mr. BURGESS with Mr. WEEKS.
Mr. FORNES with Mr. BRADLEY.
Mr. BARTLETT with Mr. BUTLER.
Mr. HOBSON with Mr. FAIRCHILD.

Mr. PALMER. Mr. Speaker, has the gentleman from Connecticut, Mr. HILL, voted?

The SPEAKER. He has not.

Mr. PALMER. Then I desire to withdraw my vote of "aye" and answer "present."

The name of Mr. PALMER was called, and he answered "Present."

Mr. BUTLER. Mr. Speaker, may I withdraw my vote? I am paired with Mr. BARTLETT of Georgia. I am making my daily statement.

The SPEAKER. How did the gentleman vote?

Mr. BUTLER. I voted "no."

The SPEAKER. Call the gentleman's name.

The name of Mr. BUTLER was called, and he answered "Present."

Mr. LEVY. Mr. Speaker, I desire to vote "aye."

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. LEVY. No, sir.

The SPEAKER. Then the gentleman does not bring himself within the rule.

Mr. LEVY. I had just reached the door when the roll was concluded.

The SPEAKER. It makes no difference; if the gentleman was not in the Hall, he can not vote.

Mr. LEVY. Mr. Speaker, I would have liked to have voted "aye."

The SPEAKER. The gentleman can not make an explanation about his not voting.

The result of the vote was announced as above recorded.

On motion of Mr. UNDERWOOD, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

The SPEAKER. The gentleman from Texas [Mr. HENRY] is recognized for an hour.

Mr. HENRY of Texas. Mr. Speaker, I do not know that I shall exceed the hour, but I would like to proceed without feeling that I am under restraint as to time. I shall not trespass upon the time of the House, and I ask unanimous consent that I be allowed to complete my remarks.

The SPEAKER. The gentleman from Texas [Mr. HENRY] asks unanimous consent to be permitted to conclude his remarks. Is there objection?

Mr. MANN. How much time does the gentleman wish?

Mr. HENRY of Texas. I do not think many minutes over the hour.

Mr. MANN. I shall not object.

Mr. HENRY of Texas. Mr. Speaker, the gentleman from Illinois, in closing his spectacular remarks, said:

> Mr. Chairman, I shall not go much further into the record of this anti-Jefferson, antiforeign, antilabor, antisoldier, and pro-Chinese candidate for the Presidency.

This statement is not in keeping with the facts and is a cunning effort to present false issues to the American voters. The gentleman should have known, or could have known with the slightest investigation, that his charges are absolutely unwarranted. The plain truth is Gov. Wilson is not against foreign immigration, labor, and the soldiers of our country, and is not an advocate of Chinese immigration. The gentleman knows this, and if he desired to be candid with the country would correctly state the truth of current politics. I here deny and challenge his statements. Gov. Wilson stands before the country as the Democratic nominee in courageous attitude, with nothing to conceal, with no apologies to make, and as the one candidate aspiring to the Presidency unfettered, independent, clean in politics, able, faithful, and with an incomparable record of public service. In this contest the chance remarks of any candidate made or written in the past will count for naught.

What the candidate and his party stand for, with the ability and intention to faithfully perform pledges and platform promises, will be the supreme test. And from that standpoint we present our candidate, with a brilliant record of official achievement as executive of his State, with every promise literally and faithfully redeemed, in contrast with Taft and Roosevelt, whose records are shattered, with pledges and platform promises unredeemed, with faithless words of hope to the people long since forgotten by both of them. We enter the fray with eagerness and go to the people with the pledge that our candidate stands for the things that will bring relief to the overburdened masses and will keep his party's plighted word, as he has kept it in the past, and challenge its comparison with the historic fact that Mr. Taft won the votes of the people with his pledges and his party platform, and after the election turned his back upon those who had lifted him into his high office and utterly failed in his performances, as was done by Mr. Roosevelt, the candidate of George W. Perkins, E. H. Gary, and the Steel Trust, the greatest financial organization in the world's history. [Applause on the Democratic side.] We gladly join issue and enter the lists with the Republican candidates and the cause they typify; and Democracy's candidate will not be found apologetic, timid, and shirking the issue, but brave and able and honest in the people's struggle.

RODENBERG ON "PRACTICAL POLITICS."

RODENBERG says:

> In this enlightened day and age, when the standard of general intelligence is higher than it has ever been, the personality of the candidate becomes in a very large measure the platform of his party. The people are more vitally interested in ascertaining the honest convictions of the candidate, formed in a time of sober and mature reflection, uninfluenced by ambition or hope of political preferment, *than they are in any professions or promises contained in a platform which they know has been constructed to meet the exigencies of practical politics.*

This quotation from the gentleman's speech indicates the quality of his politics. It places him in the class of "practical politicians," where he aspires to be numbered.

Again, it thoroughly explains and establishes another thing, perhaps not intended by him, to wit, why the Republican Party and Mr. Taft, in 1908, at Chicago promised specific things to the American people in their platform and then, after deceiving them as to "tariff revision" and certain other things, deliberately and faithlessly repudiated their solemn pledges and raised the tariff burdens, because, as RODENBERG says, "pro-

fessions or promises contained in a platform" must "be constructed to meet the exigencies of practical politics." Hence, that Chicago platform was made to deceive the people, and, according to the gentleman from Illinois, Taft was the real platform and embodiment of his party's intentions and only nominated for the purpose of repudiating such platform, as he did on the tariff and other issues after he was elected, and through his real self serve the special interests regardless of party pledges. The gentleman from Illinois calls that "practical politics." He wishes to be so classified, and I promptly accord him the coveted honor. According to his standard, the platform is only made to delude, and the candidate, as a "practical politician," must conceal his real views and convictions till the ballots are cast and then trample his party's pledges into the dirt as meaningless, in accordance with Mr. Taft's well-known record.

WILSON ON THOMAS JEFFERSON.

The gentleman quotes a brief extract from two of Gov. Wilson's books—the History of the American People and The Life of George Washington. They read:

The difference between Mr. Jefferson and Gen. Jackson was not a difference of moral quality so much as a difference in social stock and breeding. Mr. Jefferson, an aristocrat, and yet a philosophical radical, deliberately practiced the arts of the politician and exhibited oftentimes the sort of insincerity which subtle natures yield to without loss of essential integrity.

* * * * * * *

Washington found him a guide who needed watching.

Read those extracts in regard to every quotation made and the gentleman frequently confuses and misinterprets their real meaning. Gov. Wilson has not written a thing in any book for which he should apologize before the American people. [Applause on the Democratic side.] The true answer to this effort to prejudice the public mind against Gov. Wilson is that such tactics are puerile. Because if the great Democrat, Thomas Jefferson, could return to this earth to-day he would be found following the flag of Woodrow Wilson in this contest, just as we find that illustrious living Democrat, William J. Bryan, giving adherence to the Democratic nominee against the party of unredeemed and broken promises [applause on the Democratic side], members of which are now lost in confusion trying to follow Taft and Roosevelt, both of whom have given and would give aid and comfort to the special privileged classes and interests seeking favors at the hands of the Government.

The "cocked-hat" letter brought Bryan and Wilson together, and so would Wilson's fight against the greed of trusts, special privilege, and avarice unite Jefferson and Wilson in this fight for the people, could the Sage of Monticello be permitted to return to the scenes of earthly action.

WILSON ON FOREIGN IMMIGRATION.

Again, the gentleman from Illinois undertakes to prejudice the minds of this House and the country against Wilson in regard to foreigners and foreign immigration. He totally misinterprets the distinguished governor on that subject. He understands full well that Gov. Wilson is not opposed to worthy foreigners of every clime in the universe coming to our country as the abode of liberty to make this Republic their home. [Applause on the Democratic side.]

Let us analyze the language. And I intend to set it out in the RECORD so that the American people may scrutinize it:

Now, there came multitudes of men of the lowest class from the south of Italy and men of the meaner sort out of Hungary and Poland, men out of the ranks where there was neither skill nor energy nor any initiative of quick intelligence; and they came in numbers which increased from year to year, as if the countries of the south of Europe were disburdening themselves of the more sordid and hapless elements of their population. The people of the Pacific coast had clamored these many years against the admission of immigrants out of China, and in May, 1892, got at last what they wanted—a Federal statute which practically excluded from the United States all Chinese who had not already acquired the right of residence; and yet the Chinese were more to be desired, as workmen if not as citizens, than most of the coarse crew that came crowding in every year at the eastern ports.

Consider the meaning of the expression, "men of the meaner sort." What did Wilson mean when he said, "More to be desired as workmen"? By whom "desired"? Wilson does not say by himself. I answer RODENBERG with his own words, expressed immediately following his quotation and comment thereon. In the same speech in which he arraigns Wilson he says:

While I believe in the strict enforcement of our immigration laws, to protect us against *the vicious, the lawless,* and *the depraved,* yet I would not draw the line against admitting immigrants who, judged by our own experience, possess the possibility of developing into useful American citizenship.

He, too, charges that there are the "vicious," the "depraved," the "lawless" in foreign countries. Does he wish them for American citizens? Does any right-thinking man of any nationality desire such immigration? The mere propounding of the query answers the point with every patriotic voter. Are not the views of Wilson and RODENBERG identical on immigration? He, too, would exclude the "vicious," the "lawless," and the "depraved." Are they not the "meaner sort" to which Gov. Wilson referred?

I challenge and defy the gentleman to point to a single instance where Wilson ever in his history or elsewhere said one word against the worthy immigrants from Italy, Poland, or Hungary, the homes of Garibaldi, Kosciuszko, and Kossuth.

Again let Wilson speak for himself. In refuting these false interpretations and charges, he wrote a letter to N. O. Piotrowski, Esq., of Chicago. The gentleman can not arouse the prejudice of the foreigners against Gov. Wilson by such claptrap argument. The letter is well worth perusal by every liberty-loving American citizen and every man throughout the country who loves freedom and good government:

[Personal.]

MARCH 13, 1912.

MY DEAR MR. PIOTROWSKI: I remember with pleasure meeting you when I was in Chicago, and esteem it a privilege to reply to your frank and interesting letter of March 11.

My history was written on so condensed a scale that I am only too well aware that passages such as you quote are open to misconstruction, though I think their meaning is plain when they are fairly scrutinized. No one who knows anything of the history of Europe can fail to be familiar with the distinguished history of the Polish people, and any writer who spoke without discrimination of members of that nation as constituting an undesirable element in population would not only be doing a gross injustice but exhibiting a great ignorance. I did not know all of the facts you so interestingly set forth in your letter, but I did know, in a general way, of the honorable and useful careers of the Polish citizens of America and the self-respect and steady achievement of the Polish communities which have been established in various parts of the country. In the passage quoted from my history I was speaking of a particular time when it had become the practice of certain employers on this side of the water to import large numbers of unskilled laborers under contract for the purpose of displacing American labor, for which they would have been obliged to pay more.

Here permit me to give the instances. The American Woolen Co. imported foreigners from every part of the earth to Lawrence, Mass., and paid children in their factories two and three dollars a week and adults six and seven dollars a week. This great protected industry allowed the children to pay five and ten cents a week for water, and saw them crying for bread and shivering for clothing around their very factory doors. And still the Republican Party must protect the Woolen Trust.

They were drawing, in many cases, upon a class of people who would not have come of their own motion and who were not truly representative of the finer elements of the countries from which they came.

* * * * * * *

I know that a just and thoughtful man like yourself will pay no attention to the miscellaneous misinterpretations which have been put upon the passage referred to, and that you will have already interpreted my meaning as I have here endeavored to interpret it.

Your letter has very graciously afforded me an opportunity to make this explanation.

Cordially and sincerely, yours,

WOODROW WILSON.

Hon. N. O. PIOTROWSKI,
City Attorney, 59 Clark Street, Chicago, Ill.

[Applause on the Democratic side.]

And as late as July 22, 1912, at Seagirt, N. J., Gov. Wilson, in a signed statement, gave his views on foreigners and foreign immigration to Mr. Geza Kende, the able editor of the Hungarian paper, Amerikai Magyar Nepszava, of New York:

"I believe in the reasonable restriction of immigration, but not in any restriction which will exclude from the country honest, industrious men who are seeking what America has always offered, an asylum for those who seek a free field. The whole question is a very difficult one, but I think can be solved with justice and generosity. Anyone who has the least knowledge of Hungarian history must feel that stock to have proved itself fit for liberty and opportunity.

* * * * * * *

"I never have had any objection to sound immigration from any country," he said, and being asked just how he defined "sound immigration," he said he referred to the coming of honest men and women from other lands whose presence in the United States is not calculated to interfere with the health and moral conditions of this country.

It is a wholly false insinuation to say that ever Wilson for a single day of his life opposed the right kind of immigration to our country. Never did he breathe or write such opposition anywhere.

The gentleman will fail in his efforts to prejudice the voter. His party must meet the real issue. For more than a generation the American people have been moving up to this great conflict, and the battle is on. Democracy asks no quarter at the hands of the opposition. We know that Wilson carries the flag typifying the rights of the people and are confident of victory in November. [Applause on the Democratic side.]

Let us examine how this charge, oft repeated, has affected the foreigners in our country. Here is what they say through their

papers. As a matter of fact, the mendacious use of these quotations when the situation is once explained, has failed to deceive the people most intimately concerned. Foremost in repudiating these attacks are the Italians and Poles themselves. The leading newspapers in representing the nationalities are placing Gov. Wilson in a proper light. The editor of La Voce del Popolo, the national Italian newspaper in New York, after writing to Gov. Wilson and receiving an explanation, has come to his support.

All Italians can be satisfied—

Says this paper—

with Gov. Wilson's frank and clear explanation. Gov. Wilson has now made it entirely plain, and a man who has no political or party ends to serve gladly acknowledges it. We have had the greatest esteem for Woodrow Wilson ever since he became governor of New Jersey and undertook to eliminate corruption, and we entertain toward him to-day the same deep and disinterested admiration.

So we have here an explanation of the feeling with which that quotation has been received by the so-called foreigner. Let me for a moment refer to the record of gentlemen on that side of the aisle in regard to the labor question, the Chinese issue. The gentleman from Illinois undertook to place Gov. Wilson in the attitude of being a pro-Chinese advocate, and his party with having opposed the immigration of the Chinese to this country.

He is indeed ignorant of history, or else seems to be ready to suppress some of the facts. Why, do you know that back in the early eighties, when the American laborer was endeavoring to secure action excluding the Chinese from this country, the Democratic Party was advocating that legislation and the Republican Party, almost in solid phalanx, stood on that side of the aisle favoring the Chinese? [Applause on the Democratic side.] The CONGRESSIONAL RECORD shows that two Congresses passed bills to exclude the Chinese from the Pacific shores and other ports of our country, and two Republican Presidents vetoed these Chinese-exclusion acts. It was a Democratic House that passed a Chinese-exclusion act in 1892. Back in those days two Republican Presidents stood by the Chinese and against the American laborer. Presidents Arthur and Hayes vetoed these Chinese-exclusion bills, and when they came back to Congress the Democrats, almost in solid fashion, voted to pass the bills over the vetoes of these Republican Presidents, and nearly every Republican voted in favor of the Chinese coming here in competition with American labor. [Applause on the Democratic side.]

On January 28, 1879, Hayes sent his veto message to Congress; and on March 1, 1879, 83 Democrats could only secure the pitiful number of 22 Republican Members to vote with them to pass the bill over the veto, while 81 Republicans voted "nay," and the veto prevailed. I am sure RODENBERG's face will blush with shame when he reads that vote of his party.

Then, in 1882, another bill excluding the Chinese laborers was passed by Democrats; and on March 9, 1882, Arthur vetoed that. And in the Senate 31 Democrats voted to pass the bill over his veto, and could not secure a single Republican Senator to vote with them, while 28 voted with the Chinamen and against the bill. And when the bill came up in the House on April 17, 1882, 103 Democrats voted to pass it over the President's veto, and few Republicans dared to defy the protective-tariff lords and vote with the Democrats.

And now, Mr. RODENBERG, when you talk about your party opposing Chinese laborers, I can only cry "Shame!" And yet the gentleman from Illinois says that his party defended the American laborer. Ah, Mr. Speaker, the Republican Party ought not to take the flattering unction to its soul that it did anything for the American laborer. For 14 years I have sat on this floor and have seen Republican Speakers occupying that chair refuse to allow legislation favorable to labor to come before this House.

The distinguished gentleman from Illinois [Mr. CANNON] during his incumbency as Speaker of the House, whenever the labor people came to him and asked for legislation to prevent government by injunction, remedies limiting the power of Federal judges in the issuance of injunctions, touching trial by jury in cases of indirect contempt, and kindred measures, scoffed at their demand and turned them away from the door of the Speaker's room. Year after year we have heard them appeal for legislation, and not until the Democratic Party came into power two years ago was their cry heeded. This very Congress has passed a bill limiting the power of Federal injunctions, the power of petty judicial tyrants. Such enactment will prohibit them from governing people through the writ of injunction. When we brought the bill to the floor of the House for consideration, the Republican Party that had sat here for all these years stifling legislation became afraid and did not have courage to vote against the relief demanded by labor. [Applause on the Democratic side.]

When we brought up the measure providing for jury trial in cases of indirect contempt, a splendid measure which is now pending at the other end of the Capitol, Democrats supported and pressed it. When a division was demanded, the Republicans, who for 15 years had suppressed this legislation, did not have the courage to again suppress it, but ran to cover and voted with the Democrats. [Applause on the Democratic side.] It is idle to boast of the Republican Party being the friend of labor and Wilson being inimicable to their interests. We are glad to welcome the issue, and when we have finished this contest it will be ascertained that we are standing by the people, and the Republican Party is still consistently fighting the battle of the special interests, as they have always done. [Applause on the Democratic side.]

Mr. Speaker, it is appropriate that the standpat Republican from Illinois [Mr. RODENBERG], who loved the former Speaker of this House [Mr. CANNON] so well that he characterized him as the "Iron Duke of the Republican Party," should assail the candidate of the Democratic Pafty. There could be no more fitting representative to make this assault on Democracy's nominee than the distinguished gentleman from the East St. Louis district, whose record is so graphically portrayed in the magazine of Senator ROBERT M. LA FOLLETTE. The recital of the record is commended to the consideration of all those who wish to read an interesting congressional biography of the gentleman now assailing Democracy's nominee.

GOV. WILSON'S NEW JERSEY RECORD.

Permit me here to proceed with the consideration of Wilson's magnificent record as governor of New Jersey. That State for more than 15 years had been under the control of the Republican Party. If there was a boss-ridden State in the Union it was the State of New Jersey, and the man who is now the standard bearer of the Democratic Party converted a great Republican State completely dominated by the special interests into a Democratic State of 50,000 majority. [Applause on the Democratic side.] He made promises to the people and redeemed every one to the letter. The test is not what may be taken from one or two sentences in a book, but where does this man stand and what has he accomplished and is he honest? In less than six months he accomplished more for the people than had been done in that State for 20 years.

There were four laws put on the statute book of New Jersey that should alone commend Gov. Wilson not only to the people of his own State but to the voters of the entire country. The people, as I say, were under the domination of the bosses in New Jersey and could not control their own elections. Gov. Wilson demanded a direct-primary law in which the bosses could be eliminated and every voter could walk up to the polls and express his choice. Permit me to recite to you some of the provisions of that law, in order that you may see how well he kept his word.

NEW JERSEY ELECTION LAW.

The election law provides:

Direct primaries.—The people, not the self-constituted bosses, name the candidates openly at a regularly conducted, legally constituted election, not privately in a corner.

The Geran election law insures against repeating. A voter in a municipality of over 5,000 must register personally and sign his name to the registration book. When he comes to cast his ballot he must again sign the poll book. If a voter attempts to vote on another's name he must forge the signature. Forgery means imprisonment if detected, and there is the signature on the registration book as a check.

The election law chooses election officers from a list of candidates who have passed a civil-service examination. These men know the law and their duties under it. They are also familiar with the penalties for any violation of the law. Under its provisions the people have taken their government into their own hands. [Applause.]

EMPLOYERS' LIABILITY AND WORKINGMEN'S COMPENSATION ACT.

Next we will consider the employers' liability and workingmen's compensation act. It is the crowning act of justice to employees.

This law prescribes the liability of an employer to make compensation for injuries received by an employee in the course of employment. It establishes an elective schedule of compensation and regulates the procedure for determining the liability and compensation of each party. It provides that an employee who is injured need not sue to obtain damages. A regular schedule covering the different classes of injuries is drawn up and the employer's liability is set opposite each. It is fair and just to those employed, because in case of accident it secures to them without delay a fixed income at a time when it is most needed. It avoids a long-drawn-out litigation, with its attendant expense, delay, and suffering. It abolishes the barbaric

doctrines of assumed risk, the negligence of fellow servants, and contributory negligence. [Applause.] Let laboring men consider that measure, which has taken them from under the iron heel of corporations and placed them where they may speedily get their rights when injury occurs, and where their families may be compensated in case of death. [Applause on the Democratic side.]

Pursuing his four great measures, let us next analyze

THE CORRUPT-PRACTICES ACT.

This law provides for a committee to receive and expend campaign funds. It directs that this committee make an itemized statement showing every receipt and expenditure, together with the sources from which the money came, which shall be filed as a public document and shall be open to inspection by any citizen. Each candidate must file a sworn statement of his personal contributions to the campaign committee, and this statement must show the names of any persons who paid, loaned, contributed, or otherwise furnished any moneys to said candidate in aid of his election or nomination. If any candidate does not file such statement within the period required by law he forfeits the office to which he was elected.

The law prohibits the use of money to secure election to office in excess of these clearly specified amounts:

A candidate for governor may spend	$2,500
A candidate for Congress may spend	1,500
A candidate for any county office	500
A candidate for State senate	500
A candidate for general assembly	250
A candidate for any municipal office	250

These sums can not be spent by the candidates personally, but must be disbursed by the legally appointed campaign committee. This provision can not be evaded by spending larger sums through relatives, corporate associates, or friends. The law construes all such contributions as part of the candidate's personal contribution. The law prohibits corporations from contributing to the campaign fund of any candidate or any political party. It prohibits colonizing, betting on the result of the election, intimidating voters by threat or otherwise; printing political expressions on pay envelopes, posting political handbills on factories by individuals or corporations.

And the Democratic Party has passed through the House a bill providing for publicity of campaign contributions and expenditures before nomination as well as afterwards, and it was passed by almost a unanimous vote. If it ever gets out of the other end of the Capitol and gets up Pennsylvania Avenue to the White House, we may know something about the sources of funds of the candidates for President. [Applause on the Democratic side.]

As one of Gov. Wilson's great achievements will stand out the act reviving and placing teeth in the obsolete New Jersey commission law in the enactment known as the—

PUBLIC UTILITIES COMMISSION.

The public utilities board is given general supervision of, and control over, all public utilities, and also their property, property rights, equipment, facilities, and franchises, so far as may be necessary, for the purpose of carrying out the provisions of the act. The term "public utility" is legally defined to include every individual, copartnership, association, corporation, or joint-stock company, their lessees, trustees, or receivers appointed by any court whatsoever, that now or hereafter may own, operate, manage, or control, within the State of New Jersey, any steam railroad, street railway, traction railway, canal, express, subway, pipe line, gas, electric light, heat, power, water, oil, sewer, telephone, telegraph system, plant, or equipment for public use, under privileges granted or hereafter to be granted by the State of New Jersey or by any political subdivision thereof.

This board has power, either upon its own initiative or upon complaint in writing, to investigate any matter concerning any public utility as herein defined. It can appraise and value property. It can fix rates, test appliances, fix junction points and connections, fix rates of depreciation, prohibit unjust discrimination, regulate extensions of indebtedness and capitalization of franchises, and it must approve all sales, leases, or mortgages and all transfers of stock to other companies. All franchises or grants by municipalities come under its jurisdiction.

POWERS OF THE BOARD.

The board can compel the attendance of witnesses and the production of records. No witness may escape testifying on the ground of incrimination, and no immunity can inure to any witness on account of his testimony.

All orders of the board to continue service or rates in effect at the time said order is made shall be immediately operative; all other orders shall become effective upon the date specified therein, which shall be at least 20 days after the date of said order.

Violations of the provisions of the law subject every officer who participates to personal punishment for misdemeanor, and every public-service corporation must file a sworn analysis of its methods of doing business, so that the officers responsible may in every case be identified. In default of compliance with any order of the board, when the same shall become effective the person or public untility affected thereby shall be subject to a penalty of $100 per day for every day during which such default continues to be recovered in an action of debt in the name of the State. No finer law for regulating public-service corporations can be found in any State. [Applause on the Democratic side.]

Since the gentleman from Illinois has deliberately assailed Gov. Wilson with a spirit akin to malevolence, and charged that he is not a friend of labor, let me set out more at length for the sake of truthful history and the benefit of honest voters his exact record touching labor measures. Here it is. The following labor laws were passed under his administration:

Fire-escape law, amending factory laws, and placing New Jersey in the vanguard of States in the protection of workers in factories and workshops.

Regulating employment agencies and licensing the same.

Making the improper influencing of labor representatives or foremen a misdemeanor.

Employers' liability and compensation act.

Prohibiting the employment of children in mercantile establishments during school hours; providing for a 58-hour week; and prohibiting children under 16 years to work between the hours of 7 p. m. and 7 a. m.

Appoint of commissioners on old-age pensions and old-age insurance.

Providing for the safety and health of foundry workers by minimizing drafts and doing away with noxious gases, and so forth, by exhaust fans in foundries.

Increasing factory inspectors by the number of 6—making in all a total of 17—for the better enforcement of factory and workshop laws.

Eight-hour day on State, county, and municipal work.

Providing for at least one-half hour meal time for six continuous hours of labor.

A plumbers' license act.

Providing for sanitation in bakeshops, and so forth, and also compelling the licensing of same.

Prohibiting the employment of persons under 21 years in first-class cities and 18 years in second-class cities as telephone or telegraph messengers between the hours of 10 p. m. and 5 a. m.

A semimonthly pay act for railroad employees.

Eliminating contract labor in penal institutions and providing for a State-use system.

And because of this magnificent record in behalf of the toiling masses, the laboring people of New Jersey love this governor. When he went into office he found her citizens prostrate under the tyranny and oppression of the bosses and tools of the special interests, *and before six months had expired he had written all these things into the statutes of New Jersey and redeemed his pledges which he made during the campaign.* [Applause on the Democratic side.] He had done more in these few months than all the Republicans for 20 years; and yet we hear this idle talk that Wilson is not the friend of labor. We meet the Republican Party on any part of the ground in this contest, and our candidate will be found able to stand any sort of test applied to him. [Applause.] The gentleman from Illinois [Mr. RODENBERG] has undertaken to put the stigma of unfriendliness to labor on the New Jersey governor. Let us see how well he can succeed. After these things above recited were performed by Gov. Wilson and the legislature under his administration, here is what the labor organization of New Jersey said. This is the message they sent to the people throughout the country. I incorporate it in my remarks in order that every honest voter may read it and see what the laboring people think of him in his own State. Because of this magnificent record in behalf of the toiling masses a glowing resolution was adopted by the labor people showing the high esteem in which Gov. Wilson is held because of those faithful performances. After reciting the large number of new laws passed by the Wilson administration favorable to labor, these resolutions were adopted:

Resolved, That the executive board of the New Jersey State Federation of Labor, representing the organized workers of New Jersey, in regular session assembled this 13th day of February, 1912, at Trenton, N. J., hereby commend His Excellency Gov. Woodrow Wilson for his unremitting and untiring efforts in assisting to bring about better conditions for the wage earners of New Jersey: And be it further

Resolved, That the administration of Gov. Wilson be indorsed by the New Jersey State Federation of Labor, and that copies of these preambles and resolutions be forwarded to Gov. Woodrow Wilson, the public press of New Jersey, and the various labor organizations throughout the United States.

NEW JERSEY STATE FEDERATION OF LABOR.
HENRY F. HILFERS, *Secretary.*
CORNELIUS FORD, *President.*

This record ought to bring a quick apology from the gentleman from Illinois if he believes in a square deal and the truthful recital of facts. [Applause on the Democratic side.] Contrast such record with the miserable failure of Taft and Roosevelt in the performance of anything for the benefit of the laboring masses. The laboring people in New Jersey honor and love Wilson, and those who believe in truth and justice must quickly acquiesce in this statement if they make honest investigation. We challenge gentlemen to deny that statement. Gov. Wilson stands before this country as the friend of labor, while the Republican Party has made its record of broken promises. The labor organizations went to the Republican national convention in Chicago four years ago and you spurned them; you turned them away from that great convention. They went there this year and the Republican Party again turned a deaf ear. They went to the Baltimore convention and presented their requests and Democracy placed those requests in our platform, and we intend to redeem every one of them. [Applause on the Democratic side.]

WILSON AND BRYAN.

The gentleman endeavors to fan into flames of fury a supposed difference between the Speaker of this House and William J. Bryan. It is not my purpose or province to here discuss the incident. Suffice it to say the Speaker is loyally supporting the nominee of his party, while the gentleman from Illinois seeks to defame Democracy's standard bearer. The Speaker of this House has been able to take care of himself on every occasion, and I am sure has not lost his superb ability in that respect, and will continue to do so. He is present in this House and needs no defense here when his name is brought in issue except his eloquent tongue, high character, and own strong record. [Applause on the Democratic side.] The gentleman from Nebraska, thrice the standard bearer of a great party, is absent and can not in this forum resent the vicious and almost brutal assault made on his good name by the strong standpat Republican from Illinois. This occasion is not the first one upon which the gentleman from Illinois in violent and unwarranted and, I might say, malevolent language has attacked the name and political integrity of the distinguished Nebraskan. Replying to the studied and almost indecent assault of the Illinois Member, permit me to say that no living American is better loved than Bryan. [Applause on the Democratic side.] Millions of citizens follow his unsullied flag of leadership, knowing full well that when his sword leaps from its scabbard it will be to fight in their defense. For two decades he has defiantly led the people's fight against entrenched privilege and predatory special interests. He is truly the Great Commoner of America. Ranking with Jefferson and Jackson and the immortal names enriching the achievements of Democracy, his name will be emblazoned in the permanent annals of history as the people's idol and courageous friend. [Applause on the Democratic side.] His character will stand forth in history typifying him as the people's redeemer in the century's struggle for political freedom and individual rights. Generations to come will teach their descendants to emulate his life as a model of consistency and ideal Christian citizenship. [Applause on the Democratic side.]

WILSON NOT AGAINST THE SOLDIERS.

The gentleman's quotation from Gov. Wilson's "History of the American People" is as follows, touching pensions. He seeks to array the old soldiers against Wilson:

What most attracted the attention of the country, aside from his action in the matter of appointments to office, was the extraordinary number of his vetoes. Most of them were uttered against pension bills, great and small. Both Democratic House and Republican Senate were inclined to grant any man or class of men who had served in the Federal Armies during the Civil War the right to be supported under the National Treasury, and Mr. Cleveland set himself resolutely to check their extravagance. He deemed it enough that those who had been actually disabled should receive pensions from the Government and regarded additional gifts for mere service both an unjustifiable use of the public money and a gross abuse of charity.

No other human being but the gentleman from Illinois would contend that Wilson was doing anything except giving Cleveland's position from his standpoint. He was not making such contention for himself.

The Baltimore platform reads:

We renew the declarations of our last platform relating to generous pensions.

I declare that Wilson stands squarely on this plank and will carry forward its provisions with sacred fidelity. The gentleman plainly, and apparently knowingly, misinterprets the language quoted. [Applause on the Democratic side.]

Gentlemen, such are the quotations made from Gov. Wilson's books intended to condemn him before the American people. They have already been read and reread in every part of this country prior to the Baltimore convention, and in that forum these things were all considered, and finally in spite of them Gov. Wilson was triumphantly nominated. Notwithstanding these unjust attacks, he is the choice of the American people. [Applause on the Democratic side.]

I want to contrast him with the candidates of the other party. It is not what a man has said in years gone upon which the people are going to try the candidates in this contest. They will say to themselves, "What has this man accomplished? Is he honest, and what will he do if we elevate him to the Presidency?" There are some plain things that I shall charge here in contrasting these candidates.

CONTRASTING WILSON WITH TAFT AND ROOSEVELT.

First, let me analyze the political character of Theodore Africanus, the Mad Mullah of American politics. [Applause on the Democratic side.] He parades himself as the people's advocate, and yet I charge and will establish that he is the friend and instrument of the special interests and the predatory classes seeking favors at the hands of the Government. In fact, I think and feel sure their causes and interests are linked together as "two souls with but a single thought, two hearts that beat as one." Roosevelt, ensconced on the bosom of Perkins, Gary, and the minions of the Steel Trust, whispers sweet sympathy in their ears in New York City and is sent forth in the rest of the country to preach a sham crusade in behalf of the people's rights and against the trusts and predatory interests. We owe the duty of plain speech in this crisis, and I do not intend to fail to-day in its performance as a representative of the people. Before I have finished I believe it can be established that Roosevelt is backed by those interests and will become their willing instrument in the future, as he was in the past when President.

But, first, however, permit me to read some utterances from the books and speeches of Roosevelt, showing his attitude toward "labor," the "farmers," and "government by injunction." In comparison with these statements the quotations from Gov. Wilson reproduced by the gentleman from Illinois are as mild as a May morning. Here they are:

ROOSEVELT'S ESTIMATES OF COWBOYS.

They are much better fellows and pleasanter companions than small farmers or agricultural laborers; nor are the mechanics and workmen of a great city to be mentioned in the same breath.

We relish the memory of the cowboys, but why should he contemptuously stigmatize the farmers, mechanics, and workmen of the cities?

OF FARMERS.

I shall confine my remarks to what Gen. Porter has said about patriotism. Patriotism comes first, and I hope you will not fail to display it next Tuesday. *Mr. Bryan and his adherents have appealed to the basest set in the land—the farmers.*

OF OPPONENTS OF GOVERNMENT BY INJUNCTION.

The men who object to what they style "government by injunction" are, as regards the essential principles of government, in hearty sympathy with their remote skin-clad ancestors who lived in caves, fought one another with stone-headed axes, and ate the mammoth and wooly rhinoceros. They are interesting as representing a geological survival, but they are dangerous whenever there is the least chance of their making the principles of this ages-buried past living factors in our present life. They are not in sympathy with men of good minds and sound civic morality.

[Laughter and applause on the Democratic side.]

Mr. Speaker, has it come to this, that I am associating in this House with friends of labor like HUGHES of New Jersey, ROBERT E. LEE and WILSON of Pennsylvania, BUCHANAN, of Illinois, and a score of labor representatives who are "*not in sympathy with men of good minds and sound civic morality*"? [Applause on the Democratic side.]

ROOSEVELT'S CONNECTION WITH MERGER OF TENNESSEE CO. AND STEEL TRUST.

Let us analyze thoroughly his disgraceful connection with the merger of the Tennessee Coal & Iron Co. as a part of the Steel Trust. Here his unholy alliance and conspiracy with them began. Here he linked up with and became a part and parcel of the Steel Trust and became Perkins's and Gary's friend, ally, and instrument. They constitute the greatest financial organization and combination in the world's history. He has never forsaken them and is now making this fight for them and under their wing and direction. They have not separated and will not should he again win the Presidency, as long as Roosevelt serves them with the same fidelity characterizing his conduct in the absorption of the Tennessee Coal & Iron Co. and the indecent and outrageous covering up and suppression of the misdeeds and crimes of the Harvester Trust officials, his other political sponsors and financial backers in this contest.

Permit me to discuss Perkins and his methods for a few moments in order to lay his real character before this presence. I have had a good Democrat, who knows Perkins through and through, to make an estimate of him and his devious political

and financial methods in order that I may photograph it in this record and show the kind of "birds" that "flock together" when Roosevelt and Perkins are "flocking" with one another. [Applause on the Democratic side.]

Here is his estimate:

Roosevelt will have at his disposal as much money as both the other parties, and he has in Mr. George W. Perkins the most astute, untiring, and far-seeing organizer that our country has ever known. Do not for a moment underrate Mr. Perkins. I know him and his methods almost as intimately as any man can know them. It is to Mr. Perkins's efforts that the United States Steel Corporation and the Harvester Co. owed more of their organization at the outset than to any other man. It will be found that he and his assistants are now silently at work in their underground way setting up Roosevelt clubs and organizations all over the land, and that by autumn he will have a more perfect machine.

How do these things look, showing Roosevelt's financial affiliations and political moorings as compared with the clean and honorable man against whom the gentleman from Illinois urges quotations showing merely political opinions as written in his books? Compare these two candidates, and which must suffer the most in public esteem?

Permit me here to analyze the Harvester Trust conspiracy between Roosevelt, Herbert Knox Smith, Strauss, George W. Perkins, and E. H. Gary. If those things had been known to the American people when they happened under Roosevelt impeachment proceedings would have resulted and criminal prosecution been demanded against Perkins, Gary, and the McCormicks.

Allow me to call attention of Representatives to a few facts. This merger occurred in 1907. Gary came to Washington; Perkins also came, and they went to Roosevelt when he was President of the United States and asked if they could make the merger, and he agreed to it. He said, "I was personally cognizant of and responsible for its every detail." He did not stand in the way of it, and authorized the Steel Trust to absorb their greatest competitor for a price far less than the real value of the holding. Again he said, "I felt no public duty of mine to interpose any objection." Clandestinely he knowingly allowed them to get a huge monopoly on the iron-ore and raw-material supply of the country.

What did it mean? It meant that the special interests composed of his personal friends could go to him and confer with him. Let not the attitude of the Democracy and of our candidate be misunderstood. We are not against wealth legitimately acquired. We are not opposed to legitimate corporate interests; we believe they are essential. But we are against monopolies, we are opposed to combinations in restraint of trade, and we do oppose these men who would secretly conspire with the President of the United States in violation of the antitrust laws of the country, as was done by these conspirators with Roosevelt, and as was found and denounced as criminal by the Senate committee in 1907. [Applause on the Democratic side.]

The absorption appears to have been contrary to the provisions of the antitrust law. * * * The transaction appears to be within the prohibition of the Federal statute. * * * And the President was not authorized to permit the absorption of the Tennessee Co. by the Steel Corporation.

Thus the committee found. He knew he was violating the law, but wished to accommodate the Steel Trust magnates, his personal friends, and did not stop at the violation of his oath and the laws of his country if he could make himself solid with these commercial pirates whom he expected to aid and finance him in his campaigns.

We are making no assault on wealth. We would defend the legitimate rights of the corporations as loyally as those of the individual. We are engaging in no warfare on corporations; we would defend their just rights as faithfully as we would those of the humblest citizen of this land. But what Democracy and her candidate stand for is absolute equality before the law whether it be a corporation or an individual. [Applause on the Democratic side.]

If the Senate of the United States will allow the Pujo bill, endowing the Money Trust committee with ample power, now pending there, to come out of the Senate and become a law, the American people will know more about this unholy alliance. I do not know whether they dare to let it come forth or not, but we ought to have the truth and understand these questions. Already the committee investigating the Money Trust affairs have uncovered enough things to repay us for ordering the investigation. It can be badly crippled if the special interests can smother the bill.

Perkins and Gary and the Steel Trust and the Harvester Trust are running and financing Roosevelt. Let me remind you that recently in the city of New York the Money Trust Investigating Committee, upon slight inquiry, ascertained that in 1907, the same year in which Roosevelt winked at and allowed the combination of the Tennessee Coal & Iron Co. and the Steel Trust, within 48 hours there was sent from the Treasury of the United States of the people's money $42,000,000, without one dime of interest, to J. Pierpont Morgan, ostensibly to stop the panic of that year. He instructed his Secretary, Mr. Cortelyou, to carry the money to the Wall Street gamblers, speculating in stocks and bonds and illegal transactions throughout this country, to be parceled out to them by Morgan and Perkins and that coterie of financiers. Morgan told the American people that he stopped the panic with his money, that it was $25,000,000 of his money that brought an end to the panic, *whereas this investigation has revealed that it was the money of the people, taken secretly from the vaults of the Treasury and carried to New York under the direction of Mr. Roosevelt and Mr. Cortelyou, in order that it might be loaned to these gamblers on Wall Street without interest.* [Applause on the Democratic side.] Perkins said to Morgan in the conference, when Cortelyou was there: "I think you ought to loan $25,000,000 to stop this panic." Morgan said, "All right; you can have my money," and then Perkins said, "Mr. Morgan, I think you ought to parcel this $25,000,000 out to various men and institutions in New York." Parcel it out! How? They parceled out the people's tax money to stock gamblers, the men who had been fattening and feasting on the bone and sinew and blood of our citizens for the last 40 years.

Morgan took the people's money and concealed the fact, and boasted that he stopped the panic, and charged those gamblers interest. The Money Trust investigation revealed the fact that the people thought Morgan had been their savior. In 1907 we have this combination between these two great rivals in the iron and steel business, and in 1907 the Treasury of the United States was looted by the Secretary of the Treasury, under the direction and instruction of Roosevelt, and the money sent to New York to accommodate his friends, Morgan, Gary, and Perkins. Do the American people know that?

IMPORTANCE OF THE PUJO MONEY TRUST BILL PENDING IN THE SENATE.

I promise you gentlemen if the Senate will pass that bill and allow the power to go into the records of the institutions of these gentlemen in New York and elsewhere, we will unearth things that will make the American voters rise up and call the Democratic Congress blessed. [Applause on the Democratic side.] They are fighting the Pujo bill to the death in the Senate as a last desperate effort, because they know if the Money Trust investigating committee is given power to go into the records of those great financial institutions, *it is certain to be discovered the men to whom Morgan parceled out the people's money when Cortelyou took it to him in 1907, under Roosevelt's direction,* the purposes for which it was expended, and many acts of criminality on the part of that coterie of financiers. It would reveal a putrid condition of financial affairs on the part of those men, and that too in connection with the Government's funds, that would startle the civilized world. Hence the death grapple in the Senate now to stay the passage of that bill giving the people the right to examine the very creatures of the law, the great national banks. We of the South then will know how those gamblers manipulate the prices of cotton, and you in the West will understand how they send up and down the prices of your grain and cattle. And we will all learn how they have worked the stock markets, dislodged securities, and wrecked competitors and ruined their rivals throughout the length and breadth of this country. And that is the combination running this man Roosevelt before the American people to-day.

PROOF OF CONSPIRACY BETWEEN ROOSEVELT AND HARVESTER TRUST OFFICIALS—MORGAN, PERKINS, GARY, AND THE M'CORMICKS.

There is correspondence between the President, George W. Perkins, Herbert Knox Smith, and Mr. Strauss, the Secretary of Commerce and Labor, which sets forth facts that every American should know covering up the affairs of the Harvester Trust. If those facts had been known in 1907 when the letters were written, impeachment proceedings would have been brought against the President and his Cabinet officer. For it is certain that he, Strauss, and Herbert Knox Smith deliberately entered into a conspiracy to violate the antitrust law and protect the International Harvester Co. Furthermore, criminal proceedings would have been insituted against Perkins and Gary and the McCormicks, if the facts had been known. Roosevelt was willing then for his friends—Perkins, Gary, and the McCormicks—to grind the farmers, whom he professes to love, with exorbitant charges for harvesters, reapers, and agricultural implements. He was cheerfully acquiescent in allowing the law to be violated daily, facts within his knowledge to be concealed from the public pointing to criminality, in order that "good trusts," as Herbert Knox Smith terms them, might fatten and feast upon the agricultural classes, because it was composed of his friends. He was willing to inclose "confidential" letters to his Attorney General not to prosecute the trust, which has since pleaded guilty to violating the law. May the people save the country from such a candidate. He wrote Mr. Bonaparte,

his Attorney General, "Do not prosecute that Harvester Trust organized by Perkins and Gary." He said to Mr. Strauss, his Cabinet officer, "You must not molest those men for violating the antitrust law." He called on this man, Herbert Knox Smith, for a report, and Smith sent it to him. Smith admits the trust. In this document sent by Smith it is proved they have violated the antitrust law, and Smith writes that it is a fact they are guilty of committing crime, but he maintains these men are great financiers and combined with Perkins and the Morgan interests. They tell Smith, he writes, *"If you allow this prosecution, they are going to fight."* Mr. Speaker, there never was a more scandalous and disgraceful document lodged in the archives of this country *than this letter, and correspondence, dated April 24, 1912.* It could not be gotten from the records of that department until the Senate commanded it, and then it came only after the second demand. It showed that Roosevelt, and Bonaparte, and Strauss, and Herbert Knox Smith knew of these violations of the law and they were covering up the criminal acts of Roosevelt's friends. Allow me to quote some parts of that telltale correspondence. It is deplorable that it can not go in full to the home of every voter in the land. Here are some excerpts. Herbert Knox Smith writes Roosevelt:

On January 18 and 19, 1907, Mr. Garfield and myself met at New York City Messrs. Gary, McCormick, Deering, and Perkins, all directors of the said company, and went over generally the subject matter of the company's organization and operation, receiving, so far as I know, absolutely frank and complete answers and further assurance of complete cooperation in carrying out the investigation.

Smith writes, referring to Perkins:

That, as he phrased it, he was now being laughed at in New York by the Standard Oil people, who were saying that he had tried to be good and keep solid with the administration, but that now he was going to get the same dose as other people who had not followed such policy. He concluded with great emphasis with the remark that if, after all the endeavors of this company and the other Morgan interests to uphold the policy of the administration and to adopt their methods of modern publicity, this company was now to be attacked in a purely technical case, the interests he represented were "going to fight."

* * * * * * *

This case raises the question included in what the President has called "good and bad trusts"; the question whether mere combination, as such, shall be prohibited; whether the Government is going to try to forbid all combinations regardless of their methods or ends, or whether, on the other hand, it is going to pursue the policy, frequently stated by the President, of regulation and control rather than of prohibition.

* * * * * * *

Smith comments:

I believe that industrial combination is an economic necessity, that the Sherman law, as interpreted by the Supreme Court, is an economic absurdity and is impossible of general enforcement, and even if partially enforced, will, in most cases, work only evil. I believe the principle it represents must ultimately be abandoned; that combination must be allowed and then regulated, and that the best means of regulation is by publicity, aided by the action of the Department of Justice and of the courts in case of proven violation of the interstate-commerce laws and other laws which deal with unfair methods of business.

Here he shows his contempt for the Supreme Court and the law and advocates open defiance to serve the trusts.

He here states the essence of the conspiracy between the President, Perkins, the Morgan interests, and the Harvester Trust officials:

While the administration has never hesitated to grapple with any financial interest, no matter how great, when it is believed that a substantial wrong is being committed, nevertheless, it is a very practical question whether it is well to throw away now the great influence of the so-called Morgan interests, which up to this time have supported the advanced policy of the administration, both in the general principles and in the application thereof to their specific interests, and to place them generally in opposition.

A careful study of this document will prove that Roosevelt was studiously protecting and cautiously concealing the misdeeds of his friends who are now financing this campaign for him.

See the "confidential" letter from Loeb to show his secretiveness:

OYSTER BAY, N. Y., *September 24, 1907.*

MY DEAR MR. ATTORNEY GENERAL: The President directs me to send you, for your *confidential reading*, the inclosed letters from the Secretary of Commerce and Labor and the Commissioner of Corporations concerning the Harvester Trust. * * *

Very truly, yours,

WM. LOEB, Jr.,
Secretary to the President.

Hon. CHARLES J. BONAPARTE, *Attorney General.*

The document shows that Morgan and Perkins were backing all these interests. The people were not satisfied; they demanded investigation. They said this trust that Roosevelt protected must be prosecuted. *And it was investigated, and the trust threw up its hands and said, "We are guilty of violating the law and will dissolve.* We can no longer be protected, because we have defied the law." The present Attorney General is now endeavoring to agree upon a decree for dissolution. And these men have confessed they are guilty. They had to do it after they were exposed. I make no attack on Roosevelt, but shall let the record condemn him. There it is. Read the Senate document and put it in the hands of the American voters, and they will wonder why there were not impeachment proceedings and why these things did not leak out. And this Harvester Trust covered up by these men has at last been run to cover; they have surrendered and now are dissolving. And these same men—Perkins and Morgan and the McCormicks—who financed them and were sponsors for that trust are the men who are sponsoring Roosevelt in this contest. And I want to say in simple justice to that brave Democrat, that knightly gentleman, that courageous man, and his coworkers on his committee, the Hon. A. O. STANLEY, of Kentucky, that it was by his investigation of the Steel Trust that the prosecution was forced. They uncovered this felony and laid it bare before the American people, and the Attorney General was compelled to bring suit. [Applause on the Democratic side.] Am I unfair when I make that statement? Is it not a fact? Did not Theodore say in Massachusetts, "Yes, Perkins is my friend, and I do not deny him; I always acknowledge my friends." Ah, he is more than a friend. He has tried clandestinely to be his savior in this contest. He is his faithful ally.

TAFT—HIS BROKEN PROMISES.

What can I say of Mr. Taft? What should be said of him? It does seem harsh, indeed, to speak in uncomplimentary terms of one almost politically dead. [Laughter and applause on the Democratic side.] Let me examine two or three salient points in Mr. Taft's record and study their significance. He said in Milwaukee before the election four years ago:

It is my judgment that a revision of the tariff in accordance with the pledge of the Republican platform will be, on the whole, *a substantial revision downward*, though there will probably be a few exceptions in this regard.

He promised a revision downward. He went into office on that speech; the voters believed him; but since he became President the Democrats reduced the tariff, schedule after schedule, and sent the bills to him, only to meet his veto with pledges broken. Why? Because he is helpless to do anything else. He stood with the men who are the beneficiaries through the protective tariff and could not keep his word. In some of his speeches he said he had to veto the bills for the sake of "party solidarity." Has it come to this that any President will sacrifice his whole country for party solidarity, and especially the solidarity of the present Republican party? Where is his party solidarity now? Roosevelt after him from one direction and the people from the other, the Republican Party is hopelessly divided because it broke its word of promise. Then he said:

With respect to the wool schedule, I agree that it is too high and that it ought to have been reduced. I am not saying that the tariff does not increase prices in clothing and in building and in other items that enter into the necessities of life.

He admits that the tariff is too high, and yet, when Congress reduces it and sends reduction bills to him, he vetoes them. And when we send the reduction bills now pending to him, we are informed by the distinguished gentleman from New York [Mr. PAYNE] that he will also veto them. He admits that the records of the Treasury Department for the year 1911 show that the wool duties under the Payne law range from 61 per cent to 157 per cent. The protective duties are enormous and out of all reason. The President knows and admits it, and yet will not and can not yield relief to the oppressed masses through Executive approval of our measures. If he is determined to veto all reductions of the tariff taking the burdens off the backs of the people, when will he be able to shake himself loose from special privileged classes and those who are seeking favors at the hands of the Government? In God's name, when the strike investigation revealed that children are starving and crying for bread in Lawrence, Mass.; when they are without clothing; when they are forced to drink unwholesome water from the factories and pay 5 and 10 cents a week for it, living on starvation wages; when factory hands, heads of families with families of six and seven are getting $6 and $7 per week, the wool trust protected with duties ranging all the way from 60 per cent to 180 per cent, when will the President sanction the reduction of those burdens? He is willing to witness the squalor and suffering, all those hideous things brought by that investigation to his very eyes which aroused the sympathy of the good women of the country as they flocked by the hundreds to hear the statements of those factory workers who have been ground to the dust by the protected industries and the American Woolen Trust. And yet Mr. Taft stands with them and against those who toil in this Republic. [Applause on the Democratic side.] His acceptance speech at the White House the other day indicated that he has taken the back track, which means he knows the people have forsaken him, and now he throws himself into

the embraces of those who control frenzied finances and "big business" and establishes himself again in that speech as the candidate of the special interests and so-called big business.

In contrast with him to-day as the President who has broken his sacred avowal of tariff reduction to the people in order that he still might bask in the smiles of the protective-tariff favorites fattening through the instrumentality of the Government out of the pockets of the great masses of the overburdened public, we present to the country Woodrow Wilson, who never broke a pledge and with an unchallenged record of every promise to the people faithfully redeemed.

The Republican Party talks about government by injunction, and yet Mr. Taft is the father of government by injunction. Never has he done a thing to show his friendship to labor. Let me refer you to two of his decisions when he was a circuit judge. In the case of the Toledo A. A. & M. M. Railway Co. *v.* The Pennsylvania Co. (54 Fed. Rep., Apr. 13, 1903), you will find his sympathies were all with what is called "big business" and against the men who toil in the factories, in the mines, and on the railroads. Read the decision delivered on July 13, 1894, when Mr. Taft was a Federal judge. He showed his contempt for the rights of labor under the Constitution. He dragged far away from his home Frank W. Phelan and imprisoned him in the county jail of Warren County, Ohio, for six months without the poor privilege of being tried by a jury of his peers. He thus exemplified his antipathy to the rights of labor and became the father of government by injunction. The case is styled Thomas *v.* The Cincinnati N. O. & T. P. R. R. Co. (62 Fed. Rep.), and throws a flood of light upon the temperament and tendencies of Mr. Taft. [Applause on the Democratic side.]

Gentleman, I shall not occupy your time now with the recital, but shall place in the RECORD the achievements of the Democratic Party in this Congress under the wise guidance of the great Speaker of the House, the distinguished gentleman from Alabama [Mr. UNDERWOOD], and other prominent Democrats. [Applause on the Democratic side.] I submit that this is an enviable record of achievement and constructive capacity on the part of the Democratic Party.

A PART OF THE DEMOCRATIC RECORD OF THE SIXTY-SECOND CONGRESS.

1. A bill prohibits dealing in cotton futures.
2. A bill limits to eight hours the daily service of laborers and mechanics employed on Government work.
3. We have passed various tariff bills revising the wool, cotton, steel, and chemical schedules, and a farmers' and laborers' free-list bill, giving free farming implements, free cotton bagging and ties, and free meat and bread to the American people.
4. Amended the rules of the House and eliminated Cannonism by providing for the election of committees by the membership of the House.
5. Provided for a parcels post and governmental aid for public roads.
6. A bill authorizes the Director of the Census to collect and publish statistics of cotton.
7. A bill provides for levying an excise tax on incomes.
8. A bill creates a department of labor.
9. A bill provides for publicity of contributions and expenditures for the purpose of influencing the nomination of candidates for President and Vice President.
10. A bill protects American trade and shipping from domestic and foreign monopolies.
11. A bill gives the accused the right of trial by jury in cases of indirect contempt.
12. A bill limits the power of Federal judges in the issuance of writs of injunction.
13. A joint resolution submits to the States an amendment to the Federal Constitution that United States Senators shall be elected directly by the people.
14. A bill provides for free sugar.
15. The House has authorized and directed investigations of the Steel Trust, the Beef Trust, the Shipping Trust, and the Money Trust.
16. We have passed bills for the better protection of life at sea.
17. Admitted Arizona and New Mexico to statehood.
18. Passed a bill abrogating the Russian treaty of citizenship.
19. We have passed at this session a bill creating a commission to investigate industrial conditions, and will pass a bill to establish agricultural extension departments in connection with agricultural colleges in the several States.
20. We have passed the seamen's wage bill in behalf of labor and a righteous measure.

Thus we present a part of the record to the country. Who would undo it? It has been said that the Democratic Party is one of negation and not of constructive statesmanship. And yet I assert here to-day that within less than two years Democracy has passed through the House more measures of benefit to the people of America than the Republican Party has given them since the conclusion of the Civil War. [Applause on the Democratic side.] Some have asserted that the Democratic Party is not constructive, but I assert that if the voters will reinvest us with power, if they will elect a Democratic Senate, and give the country New Jersey's great governor for President, we will redeem every pledge and bring relief to the people that they have not known during the last half century.

Ah, Mr. Speaker, the Democratic Party is a constructive party. Its birth was coeval with that of the Republic. It sprang into life with the Constitution. We have won contests and we have lost some, but during all those conflicts our party has been representing the people's cause. Democracy is destined to live while liberty is loved and constitutional government is cherished. [Applause on the Democratic side.]

We have seen other parties go to defeat. We have witnessed them dissolve and pass from the scenes of action, as the Republican Party is now dissolving. And still Democracy abides with us as the party of representative government and the hope of the masses. [Applause on the Democratic side.] We know, we assert, and the people shall know, that we are representing their cause in this contest. We charge that both the candidates of the Republican Party are fighting for the few, the few who would put their hands into the pockets of the masses and fatten at their expense. [Applause on the Democratic side.] That they stand for the principle that would build a high protective-tariff system, establish monopolies, and oppress the consumers.

Mr. Speaker, permit me to add in conclusion that if Gov. Wilson and his party are not fighting the cause of the people in this great conflict, the greatest political battle since the beginning of this Government, we are not entitled to win. If Democracy wavers in this crisis, it does not deserve to triumph and has no right to live. Standing in my place to-day as a Representative of the people, I say with all the fervor of my soul that Democracy carries the unsullied banner of the people's cause, and when this conflict is ended will again have earned the right to their enduring confidence. [Prolonged applause on the Democratic side.]

STEEL TRUST INVESTIGATION.

Mr. STANLEY. Mr. Speaker, I ask unanimous consent that on Thursday next, at 11 o'clock, the House proceed to the discussion of the report (H. Rept. 1127) of the committee investigating the affairs of the United States Steel Corporation—from 11 o'clock in the morning to 5 o'clock in the afternoon.

The SPEAKER. As a matter of fact, the House meets without special agreement at 12 o'clock.

Mr. STANLEY. Then, I move that the House meet on that day at 11 o'clock.

The SPEAKER. The gentleman from Kentucky [Mr. STANLEY], as a part of his request, asks that when the House adjourns next Wednesday it adjourn to meet on Thursday at 11 o'clock, and immediately after the reading of the Journal it shall proceed to the discussion of the report on the Steel Trust, and continue from 11 o'clock until 5 o'clock, and have a night session from 8 o'clock until 11.

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I am glad and anxious for the gentleman from Kentucky [Mr. STANLEY] to have the opportunity to discuss this important matter; but in the condition of public business at this time I do not think that any arrangements for unanimous consent should be agreed to without the reservation that they shall not conflict with appropriation bills and conference reports.

Mr. STANLEY. I accept that reservation.

The SPEAKER. The gentleman from Kentucky [Mr. STANLEY], so far as he is concerned, accepts that amendment.

Mr. MANN. Mr. Speaker, I do not think, in the present state of public business in the House and in Congress, that there ought to be any agreement to set aside a day a week ahead for the consideration for any proposition. When Wednesday comes, if the state of business is such that the House can use Thursday for debate on the steel investigation, I shall be very glad to have it done and will make no objection.

The SPEAKER. Does the gentleman object?

Mr. MANN. I shall have to object.

PENSION APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to address the House for 10 minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, in to-day's issue of the Washington Post is an article on the situation relative to the pension appropriation bill, and in it is this passage:

SENATOR M'CUMBER EXPLAINS.

Prompt passage of the pension bill was predicted last night by Senator MCCUMBER, who declared that the abandonment of the pension agencies, as proposed by the House and opposed by the Senate, would be a false economy.

"The pensions have been held up chiefly because of the absence from the city of two members of the joint committee," Senator MCCUMBER stated last night. "They are Representative WILLIAM P. BORLAND, of Missouri, and Representative CHARLES L. BARTLETT, of Georgia. But a settlement will soon be reached, and I believe that the appropriation will be passed either Monday or early next week, making the entire $165,000,000 available.

This purported statement is so grossly unjust, so manifestly unfair, and so lacking in every element of truth that I know that Senator MCCUMBER never uttered it. But if those who read it are not familiar with the facts, it is important, in justice to these two gentlemen, as well as to this House, that the facts be stated.

The House passed the pension appropriation bill (H. R. 18985) on the 2d of February. It passed the Senate on the 30th of May. The House disagreed to the Senate amendments on the 1st of June. The Senate insisted upon its amendments on the 4th of June and asked for a conference. Since that time, as I am reliably informed from different sources, the managers upon the part of the House have been going back and forth to the Senate, endeavoring to reach some agreement upon this bill, and have been treated with a contempt and a discourtesy that, in my opinion, would have justified the raising of a question involving the privileges of the House.

A gentleman in charge of this bill in one instance received a note requesting him to attend a conference at the place usually fixed, and when he arrived there, he was informed that he could not see the Senator in charge of the conference on behalf of the other body and was denied admission to the room. He was permitted to talk to a clerk of the Senate. My information is that the managers upon the part of the House, although frequently, day after day, seeking an opportunity to confer with the Senators, have never been able to meet with them more than about four times. Finally the gentleman from Georgia [Mr. BARTLETT], despairing of getting any agreement whatever upon any item in the pension appropriation bill, left the city because of important business. At my suggestion the gentleman from Missouri [Mr. BORLAND] communicated to the Senators that unless they were willing either to make an agreement upon the amendments or to report a disagreement to the Senate, he would take advantage of the first opportunity that occurred in the House to state to the House what the situation was and why no agreement could be reached. And finally, upon the 25th day of July, after a number of suggestions of various kinds had been offered by the House, the Senate representatives were induced to sign a report of disagreement. Every amendment in the pension appropriation bill proposed by the Senate was speedily acquiesced in by the Representatives of the House, excepting those which the Senate added providing for the abolishment of 17 useless pension agencies. The conference report was signed on the 25th of July. It was presented to the House on that day by the gentlemen in charge of the conference on the part of the House. It has never seen the light of day in the Senate. Under the rules of procedure action must be taken first in the Senate, and until the gentleman at the other end of the Capitol who has that conference report stowed securely either in his pocket or some secluded pigeonhole will consent to present it to the Senate, it is impossible for any action to be taken.

Mr. MANN. Will the gentleman yield for a question?

Mr. FITZGERALD. I yield to the gentleman.

Mr. MANN. Where are the original papers?

Mr. FITZGERALD. The original papers are practically in my possession. They have never left the Committee on Appropriations.

Mr. MANN. How can the Senate act upon the conference report without having the original papers?

Mr. FITZGERALD. The gentleman knows that the Senate is entitled to the possession of the papers and will have them if it desires. If no one will raise the question as to our right to proceed I shall very gladly call up the conference report to-day and determine on behalf of the House what shall be done. The Senate can then determine whether it will deprive deserving and needy soldiers of their pension within the next few days simply from a desire to retain 17 offices at an expense of $200,000 a year which, since 1885, efforts have been made to abolish.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. Certainly; but, first, let me say one thing further about the possession of the papers. It is not due to any fault or trick on behalf of the House, but apparently the Senate did not desire the papers.

Mr. MANN. The gentleman from New York knows that the rules of the Senate with reference to conference reports are unlike the rules of the House, in that they do not require the conference report to be printed before it is agreed to by the Senate. The gentleman further knows that neither body can act on a conference report without having the original papers in its possession. Now, how can the Senate conferees present their conference report and ask for its consideration, which is the practice in the Senate, unless they have possession of the papers which have not yet been turned over to them? May it not be a matter of misunderstanding?

Mr. FITZGERALD. The gentleman need not be alarmed about that situation. The papers are safely put away awaiting the request of the Senate for them and an indication that it really desires them and will take care of them and not lose them.

Now, Mr. Speaker, if I may continue, on the 4th of August a very large number of pensions should be paid. The bill as it passed the House carried $152,000,000 for the payment of pensions during the current year. The Senate adopted an amendment increasing the amount to $164,500,000, and the conferees on the part of the House accepted that amendment. Under the resolution adopted on the 1st of July one-twelfth of $152,000,000 was made available for the payment of pensions during the month of July. Under the resolution adopted on the 1st of August one twenty-fourth of $152,000,000 was made available on the 1st of August for the payment of pensions during the month of August. As nearly as I can ascertain it will require about $15,000,0000 to pay the pensions——

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Speaker, I ask for 10 minutes more.

The SPEAKER. The gentleman from New York asks that his time be extended 10 minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. As I was saying, it will require about $15,000,000 to meet the obligations. About $6,500,000 will be available, and about $9,000,000 additional will be required. Senator MCCUMBER introduced a joint resolution in the Senate on the 1st of August which recites that owing to a disagreement between the two Houses the appropriations for pensions have not been made. "Whereas," the resolution reads, "it is probable that some considerable time will elapse before an agreement shall be reached upon said bill"—somewhat inconsistent with the statement purported to have been uttered by the Senator to-day or last night that there would be an agreement by Monday or Tuesday. Whereas about $30,000,000 will be needed, it proposes to appropriate $30,000,000 for the payment of these pensions.

Mr. Speaker, prior to 1885 pension agents were paid by fees, and they were among the most lucrative offices in the gift of the entire Government. In 1885 the House of Representatives, which was then Democratic, passed a pension appropriation bill with a provision reducing the number of agents to 12 and specifically fixing their compensation at $4,000 a year. The Senate, which was Republican—a similar situation to that of to-day—increased the number of pension agents to 18 and assented to the salary of $4,000 a year.

During the Sixtieth and Sixty-first Congresses, in 1908, 1909, 1910, and 1911, the Republican House of Representatives passed in the appropriation bill provisions providing for the abolition of these offices. At this session of Congress we voted to abolish these offices. In the Committee of the Whole House on the state of the Union there were 107 votes in favor and 16 votes against the proposition, and the bill was passed with a record vote of 243 ayes and 33 noes. In the last Congress the managers on the part of the House were the gentleman from Ohio, Gen. Keifer, and the gentleman from Michigan, Mr. Gardner, both of whom served with great distinction in the Civil War, and both of whom unquestionably had at heart the interests of the old soldiers, believed that the continuance of these pension agents was indefensible, particularly as the Commissioner of Pensions had stated before the Committee on Appropriations the only excuse for their continuation was to provide 17 places at $4,000 for deserving persons.

Mr. Speaker, many attempts have been made, as I have pointed out, to get rid of these useless offices. On the 6th of February, 1897, President Cleveland by Executive order reduced the number to nine, to take effect December 1, 1897. On the 14th of July of the same year President McKinley issued an order suspending the consolidation of the agencies. I do not intend to say anything in criticism of President McKinley, because I am convinced from my investigation of this matter

that unless by positive legislation these agencies be abolished the pressure for the places will be so great that it is practically impossible for the President to execute the power he has under the statute to consolidate them.

I have received during this session of Congress a large number of resolutions from Grand Army posts protesting against the continuation of these agencies and stating that the men who served in the Civil War have no desire that money be squandered uselessly in this way, but that whatever is chargeable against the pension roll shall be paid to the deserving soldiers who are entitled to their pensions.

It has been said that this has not been recommended officially; that it is simply a desire to make a showing. Without taking the time of the House, I shall ask permission to append to my remarks the statements made by the various Commissioners of Pensions every year since 1906 before the Committee on Appropriations, showing that these agencies should be abolished, as well as the report of the Secretary of the Interior in 1907, showing that there would be an increased efficiency in the payment of the pensions and the elimination of every possible delay, and that there would be an actual saving of $200,000 a year.

Mr. Speaker, we are face to face with this situation: The House has accepted and is willing to agree to all of the Senate amendments providing the money necessary to pay the pensions due to the soldiers. It has declined to appropriate or to countenance a continuation of unnecessary, useless offices. If there be delay or inconvenience to the old soldier in the payment of the pensions within the next few days, it is due to the fact that the Senate, because of the interest of a few Senators, who imagine that their political fortunes will be advanced by the retention of these agencies, decline to consent to the abolition of useless agencies. This is not a partisan question in this House. Both sides of the House have acquiesced in this movement. The House, when under the control of both parties, has recommended that these agencies be abolished, and it has done whatever is possible to abolish them. The conferee from that side of the House, the gentleman from Iowa [Mr. GOOD], I am informed, is in accord with the gentleman from Georgia and the gentleman from Missouri; and I think it is not only unfortunate but grossly unjust, when whatever delay may be occasioned from the failure to pay these pensions is due to the greed of a few men desiring to retain useless offices, that an attempt should be made to attribute it to the absence of gentlemen who were not only here but who exerted everything in their power and exercised the patience of Job in the attempt to adjust the differences between the two Houses.

I wish the House and the country to know that if there be any inconvenience, if there be any delay, the responsibility for it is not upon the House, not upon Members upon either side of the House, but that it belongs at the other end of the Capitol. If that branch of the Legislature desires to take the responsibility for delaying and preventing these pensions being paid in order to protect political appointees, it must take it with the knowledge of the facts in possession of the country. [Applause.]

On January 19, 1906, this transpired in the Committee on Appropriations:

Mr. GARDNER of Michigan. I would like to ask the commissioner what is the necessity of having 18 pension agencies.

Mr. WARNER—

Who was then Commissioner of Pensions—

None whatever. They should be reduced to six. That could be done by an Executive order.

Commissioner Warner said later:

If I had the power, I would decrease the number of agencies in the United States to six.

Mr. KEIFER. Who can do that?

Mr. WARNER. The President can do it by an Executive order.

On January 17, 1907, Mr. Warner, Commissioner of Pensions, was before the Committee on Appropriations, and speaking of the work of his bureau, he said:

I have no complaint to make of the organization, or laws, or anything else, so far as that is concerned. There is only one point; that is the question of the agencies for the payment of pensions throughout the United States. That is within the control of the President, as to the number of them. There are now 18, and I think it would be good policy to reduce the number to 9, anyway.

Mr. GARDNER. Have you any recommendation to make in that respect?

Mr. WARNER. It is entirely within the control of the President. I recommend that the number be reduced from 18 to 9, but of course it is an embarrassing proposition. There are 18 agents, at $4,000 salary each, scattered around over the United States, and Senators and Representatives are interested in them, etc. You do not have to tell a Member of Congress what that means. I think it would be economy in policy to reduce the number to 9. It could be reduced to 6.

Mr. BROWNLOW. Do you think that would improve the efficiency of the service?

Mr. WARNER. I think it would benefit the efficiency of the service, because you can do business better with 1 man than with 3, and you can do business better with 9 than with 18 agencies. You can enforce policies better with 9 than 18. The checks and vouchers would be made all the same then. As it is now we have separate checks for each agency with the agent's name printed in them and a separate voucher for each agency.

On January 27, 1908, Commissioner Warner said:

As far as I personally am concerned it would be better for me if the agencies should remain just as they are, as their consolidation would make me additional responsibility and labor. But looking at it from a business point of view and as if it were my own business, I would consolidate them instantly, or as soon as it could be done. It would be more economical for the Government and it would work better than to have these agencies scattered all over the country. The work would go smoother, mistakes could be corrected more quickly, information obtained at once, and the record kept in better shape.

On January 7, 1909:

Mr. KEIFER. On page 5 is the item for the salaries of 18 agents for the payment of pensions, at $4,000 each, $72,000. That would be the same as before?

Mr. WARNER. Yes. I wish you could knock them down to 9.

Mr. BOWERS. I think it ought to be done.

Mr. WARNER. You would do it in a moment if it was your own business. You take New Hampshire and Maine and Massachusetts—three little agencies up there that would not make a vest pocketful, hardly.

On February 5, 1910:

Mr. KEIFER. If you care to state, will you please say whether you think it would be advisable to pay all of these pensions at one agency from Washington?

Mr. DAVENPORT. I think it would be in the interest of economy.

Mr. KEIFER. Have you made any calculations as to what would be the approximate saving of money if they were all paid from one agency?

Mr. DAVENPORT. I have not the figures before me, but I think we would save about $200,000.

In the report of the Secretary of the Interior, dated December 31, 1907, he says:

A special report, House Document No. 352, Sixtieth Congress, first session, has been made to Congress on the advisability of discontinuing all the agencies except the one in Washington. In the present condition of the roll this change would effect an immediate saving of approximately $200,000 a year, and there would be no loss in the efficiency of the service and in the promptness of payment to the pensioners.

PROPOSED CONSOLIDATION OF PENSION AGENCIES.

Letter from the Secretary of the Interior submitting a report in relation to the proposed reduction in the number of the pension agencies:

SECRETARY'S OFFICE,
DEPARTMENT OF THE INTERIOR,
Washington, D. C., December 13, 1907.

SIR: The "act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1908, and for other purposes," approved March 4, 1907, contained the following proviso:

"*Provided*, That the Secretary of the Interior shall make inquiry and report to Congress, at the beginning of its next regular session, the effect of a reduction of the present pension agencies to one such agency upon the economic execution of the pension laws, the prompt and efficient payment of pensioners, and the inconvenience to pensioners, if any, which would result from such reduction. This provision shall not be construed as interfering with or limiting the right or power of the President under existing law in respect to reduction or consolidation of existing pension agencies."

In compliance with said provision I submit herewith the following report:

1. Economic execution of pension laws: The annual expenditure on account of the payment of pensions, including the salaries of pension agents, clerk hire, contingent expenses, and the printing of vouchers and checks, is approximately $550,000, an average cost per pensioner of 55 cents per annum. It is estimated that after a consolidation has been completed and in perfect working order, all pensioners could be paid by the Commissioner of Pensions or one disbursing officer, located in the city of Washington, with an annual expenditure of, at most, $350,000, a saving of 20 cents per annum per pensioner, or $200,000. After the first year of the consolidation, I am of the opinion that the appropriation for the expense of paying pensions could be safely reduced at least $25,000 more.

2. The prompt and efficient payment of pensioners: If all pensioners are paid by the Commissioner of Pensions, or one disbursing officer, provision should be made for a division of the pensioners into three groups, one group to be paid each month, as at present, and all pensioners could be paid as promptly by the Commissioner of Pensions, or one disbursing officer, as by 18 agents.

3. Inconvenience to pensioners: As all pensioners could be paid as promptly by the Commissioner of Pensions, or one disbursing officer, as by 18 agents, there would be no inconvenience to pensioners except the slight delay which would be caused in the case of pensioners living remote from Washington in the time required for a voucher to reach Washington through the mails and for the check to be returned. The checks would, however, be issued quarterly as now and the pensioner receive his payment regularly every three months after the receipt of the first payment. Many of the pensioners now paid by the San Francisco agency do not receive their checks until seven or eight days have expired from the date of mailing of vouchers. Pensioners now living in Montana, Utah, Washington, and Wyoming, who are now paid by the San Francisco agency, would experience but a slight delay in receipt of their checks if paid in this city. In this connection attention is invited to the fact that there are 52,201 pensioners in the agency district paid by San Francisco. More than 10,000 of these pensioners are now being paid by other agencies, and there is no complaint of delay in receiving payment. All Navy pensioners residing in the Southern States are now paid by the Washington agency, and there is no complaint about delay in payment. There are 26,448 pensioners residing in the State of California. Of this number nearly 5,000 are not paid by the San Francisco agency, but are paid by other agencies.

There are certain other conditions to which attention should be invited if all pensions should be paid by the Commissioner of Pensions, or one central disbursing officer located in this city. The records would be readily accessible for reference by the bureau. A large amount of extra correspondence is now required to furnish information to correspondents relative to the payment of pensions. The bureau must first

obtain such information from the pension agents, and a great deal of time is consumed in securing this information, especially from agencies located in distant cities.

All vouchers now required by pensioners are printed by the Government Printing Office in this city and forwarded to the different pension agents, there to be prepared and mailed to the pensioner with checks for the preceding quarter. All checks now used by the pension agents are likewise printed in this city. A considerable saving would result in the cost of printing vouchers and also in the cost of printing checks if such vouchers and checks were prepared for 1 agency rather than for 18.

All paid vouchers must be forwarded by the pension agents to the Auditor for the Interior Department in this city. There is always danger of the loss of such vouchers in the mails. Many vouchers of widow pensioners under the general law and under the act of June 27, 1890, were recently lost in transit from one of the pension agencies to the auditor in this city. No trace of the missing vouchers has as yet been discovered. The pension agent has since died, and his accounts can not be settled for many months on account of the lost vouchers.

It is further suggested that if it be decided to consolidate the 18 agencies into one agency the entire 18 agencies be abolished and provision be made that the payments be made by the Commissioner of Pensions or one disbursing officer, to be appointed by the Secretary of the Interior.

The statute now provides (26 Stat. L., 138) that the pension agent, with the approval of the Secretary of the Interior, may designate and authorize a clerk to sign the name of the pension agent to official checks. There are 18 such designated clerks now employed, one at each agency. The name of the pension agent is printed on all checks used, but before the check is issued it must be countersigned by the designated clerk. Only one clerk may be thus authorized to sign such checks for any one pension agent under the law as it now stands. If all pensioners were paid by the Commissioner of Pensions or by one disbursing officer the services of six or eight clerks would be required to sign such checks, and if the 18 agencies be abolished and all payments made by the Commissioner of Pensions or one disbursing officer provision should be made authorizing the Commissioner of Pensions or the disbursing officer, with the approval of the Secretary of the Interior, to designate the necessary number of clerks to sign the name of the Commissioner of Pensions or disbursing officer to such official checks.

Ample accommodation for the consolidated agency could be furnished in the Pension Building.

Under the practice now in vogue there is a duplication of records. Each of the 18 agents receives from here the certificates of pensions for the pensioners residing in his district. A record is made here and also by the agent at the agency, who then forwards the certificate with the voucher to the pensioner. A consolidation of the agencies would require but one record of the certificate, etc., which would be kept in the office here in Washington, and the certificate and voucher would be mailed direct to the pensioner from here. This would do away with having the certificate mailed to the agent, the making of a record by the agent, and the mailing by him of the certificate and voucher to the pensioner.

It would seem that the law should leave to the discretion of the commissioner and the Secretary as to when the transfers from the different agencies should be made. To require all of such transfers to be made on one date would entail unnecessary work and might result in delay and complications in making payments.

If the 18 agencies are abolished and provision made for the payment of all pensions from the city of Washington, I respectfully suggest that an appropriation of at least $10,000 should be made, to be immediately available, for the purpose of carrying out the consolidation and defraying the necessary expenses of the removal of the records, etc., of the agencies to the city of Washington.

Very respectfully, JAMES RUDOLPH GARFIELD,
Secretary.

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. CANNON. Mr. Speaker, this disagreement between the House and the Senate, protracted beyond the beginning of this fiscal year, is most unfortunate. Like everything else, there are two sides to the question. I am willing that it should be settled either way. I think it entirely likely that it is equally as efficient and slightly more economical to settle it according to the contention of the House, but there are $165,000,000 to be dispensed and, my friend says, $200,000 to be saved if the disbursement is from the city of Washington rather than throughout the country from the various agencies. On the other hand, it is claimed—whether truly so or not is not necessary for me to discuss—that it is more economical to continue the former practice, that the clerks throughout the country get about half the pay they do in the Pension Office, without any leave of absence, that the clerks in Washington would receive. I shall not go into the merits of it. I say, again, I think it is most unfortunate, and I would be glad, if there is any feeling about the matter, if the Senate is entitled to the papers, to see them transmitted to the Senate if there has been an agreement upon all except one point, because they must have the papers. I suppose they are entitled to them as a matter of right, although I did not know, I will say to the gentleman from New York, that they did not have the papers, that being the matter that did not come directly under my observation.

Now, how much will it take to pay the pensions during August; I did not catch it exactly?

Mr. FITZGERALD. My information is about $15,000,000.

Mr. CANNON. In addition?

Mr. FITZGERALD. No; all told.

Mr. CANNON. And how much is the deficiency; how much are we short?

Mr. FITZGERALD. Six and a half millions available under the extension resolution.

Mr. CANNON. That would be eight and a half millions additional necessary to pay the pensions starting to-morrow, is that right?

Mr. FITZGERALD. Starting on the 4th of August.

Mr. CANNON. Now, there is a rule of this House and a rule between the two bodies where an irresistible force meets an immovable body that we proceed under those rules, namely, that legislation shall not be carried by an appropriation bill unless both the House and the Senate agree.

Mr. FITZGERALD. There is no such rule in this House; there may be one in the other.

Mr. CANNON. Oh, I have found, and I fancy the gentleman has as well, when the Senate having insisted almost to the crack of doom on putting legislation upon appropriation bills that where the House has said we will not submit to legislation upon general appropriation bills that the Senate has been compelled to recede.

Mr. FITZGERALD. The gentleman understands this legislation is legislation designed to accomplish an administrative reform, and the House, being the guardian of the people's purse, has always insisted upon it.

Mr. CANNON. Precisely; but it is legislation. Now, the Senate, if they invoke that rule and say they will not recede, there will be no legislation until the Senate does recede. In the meantime by misunderstanding, possibly by something of temper, something of insistence on the part of the House, and something of objection on the part of the Senate, there are eight and a half millions short of the necessary amount of money to pay the pensions to-morrow. Now, then, I fancy this matter, back and forth between the House and the Senate, will not be understood very much by the—how many—900,000 people who are upon the pension rolls.

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. I ask for two minutes more, if I can get it.

The SPEAKER. The gentleman from Illinois asks unanimous consent that he may have five minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. CANNON. I think that is more than I wish. I say again, I will not discuss the merits of this proposition between the House and the Senate, but I think that we would be justified, considering a further contention between an irresistible force and an immovable body that results in no legislation and no appropriation bill, I think I want to submit to the gentleman from New York if he will not ask unanimous consent as a member of the majority and as chairman of the Committee on Appropriations to here and now pass a deficiency bill or a bill providing eight and a half million dollars to enable the 900,000 pensioners to be paid? [Applause.]

Mr. MANN. Mr. Speaker, I ask for five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, it is a rule of legislative bodies that in passing any action in regard to a bill after the bill has been engrossed the House which acts upon it must be in physical possession of the papers, and the practice in reference to conference is this: This body disagreed to the Senate amendment and asked for a conference, sent a message to the Senate announcing that fact, and with the message the papers went also. The Senate agreed to the conference and sent a message to the House stating they had agreed to the conference, and with that message came the papers. The papers went into the hands, or should have gone into the hands, of the House conferees. The rule is that when an agreement is reached in conference the conferees having possession of the papers transfer them to the conferees of the other body, so that the body that asks for the conference is the body that acts last upon the conference report, and the body that agrees to the conference is the body that acts first upon the conference report. In this case, under this practice, it is the duty of the Senate to act first upon the conference report, and the papers should be in the hands of the Senate conferees. If there has been a conference report signed, when the conference report was signed the papers should have been delivered by the House conferees to the Senate conferees. I understand that that was not done. I think it should be done now. Now, Mr. Speaker, a word more.

I have been in favor for years of abolishing the pension agencies. I urged the conferees, when the Republicans were in a majority in the House, not to agree until the Senate receded from its amendment adding the pension agencies to the bill as it passed the House. And I still maintain that position. If it

is a question of stubbornness between the House and the Senate, I can be just as stubborn as anybody in the Senate can be. [Applause.] I do not believe that the House ought to recede from its position. [Applause.] My colleague from Illinois [Mr. CANNON] who has just addressed the House, has been on more conference committees and had more experience in conference work than any other Member of the House or the Senate, and I have the highest respect for his opinion. The rule that he states is undoubtedly the rule as to legislative matters or new propositions, but in this case it is a question whether we appropriate the money for 17 pension agencies or 1 pension agency. I think that the logic of the rule is that when the House declines to appropriate for more than 1 pension agency the Senate must recede from its demand to have 16 extra agencies appropriated for. [Applause.] If the Senate wants to stand responsible before the country for the lack of money with which to pay the pensions now due, that responsibility is on the Senate and not on the House. [Applause.] The House is prepared to increase the amount of money provided by the Senate amendments to the appropriation bill, but I think is not prepared to provide the 16 extra pension agencies. I hope that the gentleman in charge of the House conferees will deliver the papers to the Senate conferees and leave the responsibility with them if they delay the appropriation. [Applause.]

PRESIDENTIAL APPROVAL.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bill of the following title:

On August 3, 1912:

H. R. 21480. An act to establish a standard barrel and standard grades for apples when packed in barrels, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and that the Senate had receded from its amendments numbered 3 and 4.

FRANCHISES GRANTED IN PORTO RICO (S. DOC. NO. 894).

The SPEAKER laid before the House the following message from the President of the United States, which was read and referred to the Committee on Insular Affairs and ordered printed. Also the accompanying papers were referred to the Committee on Insular Affairs, with instructions that they be not printed:

To the Senate and House of Representatives:

As required by section 32 of the act of Congress approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith certified copies of franchises granted by the Executive Council of Porto Rico, which are described in the accompanying letter from the Secretary of War transmitting them to me. Such of these as relate to railroad, street railway, telegraph and telephone franchises, privileges or concessions have been approved by me, as required by the joint resolution of May 1, 1900 (31 Stat., 715).

WM. H. TAFT.

THE WHITE HOUSE, *August 3, 1912.*

LAWS RELATIVE TO SEAMEN.

The SPEAKER. The unfinished business is the bill H. R. 23673, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen.

The SPEAKER. The Clerk will read the next section of the bill.

The Clerk proceeded to read.

Mr. HUMPHREY of Washington. Mr. Speaker, I want to ask a question. I thought the Clerk commenced back on page 14.

The SPEAKER. The Chair's understanding was, although it may be wrong, that there were just two sections of this bill that had not been considered.

Mr. HUMPHREY of Washington. The Speaker is mistaken. There are several sections that have not been considered.

Mr. ALEXANDER. The Clerk should finish this section, and then we will return to section 12.

The SPEAKER. The Clerk will finish reading this section. Section 12 was passed, the Chair will state to the gentleman, and we can return to it.

Mr. HUMPHREY of Washington. What section is this?

The SPEAKER. Section 17, page 18. The Clerk will report the section.

The Clerk read as follows:

SEC. 17. That this act shall take effect as to all vessels of the United States 90 days after its passage and as to foreign vessels 12 months after its passage, save and except that such parts hereof as provide for the abrogation of any stipulation by treaty or convention with any foreign nation shall only take effect after such notice and at the expiration of such time as may be required by the terms of such treaty stipulation or convention.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend, line 13, by striking out the figures "17" and inserting in lieu thereof "16."

The SPEAKER. Without objection, the amendment is agreed to.

There was no objection.

Mr. ALEXANDER. Mr. Speaker, I ask now to return to section 12. I have two amendments to submit to the section.

Mr. HUMPHREY of Washington. I have an amendment to this section if it is time for it.

The SPEAKER. The Chair will recognize the gentleman from Missouri [Mr. ALEXANDER] to offer his first amendment.

Mr. ALEXANDER. The Clerk has the amendment.

The SPEAKER. The Clerk will report it. The Chair will inquire of the gentleman from Washington [Mr. HUMPHREY] if his amendment was printed the other day in the RECORD?

Mr. HUMPHREY of Washington. No; it was not. As I understand it, the gentleman from Missouri [Mr. ALEXANDER] is offering an amendment to section 12, but I was offering an amendment to the section just read—the last section.

The SPEAKER. Where is the amendment?

Mr. HUMPHREY of Washington. It is on page 18.

The SPEAKER. But where is the physical property of the amendment?

Mr. HUMPHREY of Washington. I sent it up to the Clerk.

The SPEAKER. This amendment is to the section just read, which is now section 16?

Mr. MANN. Not yet.

The SPEAKER. Yes, it is, because the Chair put that amendment and it was carried. Nobody objected to it. The Clerk will now report the amendment of the gentleman from Washington [Mr. HUMPHREY].

The Clerk read as follows:

Page 18, line 9, strike out all after the word "vessel" and all of lines 10, 11, and 12 and insert:

"That all treaties of the United States with foreign nations, in so far as they require the arrest, or detention, or return to his ship of any American sailor for desertion, are hereby abrogated."

The SPEAKER. The Clerk informs the Chair that this amendment really applies to section 15 and not to section 16.

Mr. HUMPHREY of Washington. I do not know what section it applies to, but I have read both of them. I gave the line and the page. That is the reason why I interrupted the reading.

The SPEAKER. The Clerk will report the amendment again.

Mr. MANN. Mr. Speaker, the provision that the gentleman seeks to amend is on page 18, lines 10, 11, and 12.

Mr. HUMPHREY of Washington. This section was not read before.

Mr. ALEXANDER. Yes; it was read the other day.

Mr. HUMPHREY of Washington. If that is true, I offer the amendment, then, to the other section.

The SPEAKER. Where does the gentleman want it to come in?

Mr. MANN. It was passed over before.

Mr. HUMPHREY of Washington. It was passed over before, and it would be inserted on page 18, line 9, striking out all of line 9 after the word "vessel" and all of lines 10, 11, and 12 of page 18 and inserting that amendment. I desire to be heard on it just a moment, Mr. Speaker, in order to explain what is meant by it.

Mr. BUCHANAN. Mr. Speaker, is it in order—the section already having been considered?

The SPEAKER. It can not be done except by unanimous consent. By unanimous consent it can be done.

Mr. MANN. The sections were passed over the other day.

The SPEAKER. The understanding of the Chair was that it had been passed over.

Mr. BUCHANAN. It was read the other day.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 18, line 9, by striking out all after the word "vessel" and all of lines 10, 11, and 12, and inserting: "That all treaties of the United States with foreign nations, in so far as they require the arrest or detention or return to his ship of any American sailor for desertion, are hereby abrogated."

Mr. HUMPHREY of Washington. Now, Mr. Speaker, I want to offer an amendment to the next section, and I ask to offer it now, so that both of them may be considered at the same time. They cover the same subject.

The SPEAKER. The gentleman from Washington [Mr. HUMPHREY] asks to have pending another amendment for the purpose of considering both it and the other one together. Is there objection? [After a pause.] The Chair hears none. The Clerk will report it.

The Clerk read as follows:

Amend, page 18, by striking out section 16 and inserting the following: "That the President of the United States is hereby requested to enter into negotiations with all foreign nations with whom we have treaties upon the subject looking to the abrogation of all provisions in such treaties for the arrest and punishment of seamen for desertion, and also negotiations with such nations looking to the formation of treaties between this country and such other countries to improve the condition of seamen and to produce greater security for life and property at sea, and to report the result of such negotiations to Congress at the earliest convenient time."

Mr. HUMPHREY of Washington. Now, Mr. Speaker, the bill as it stands abrogates a large number of treaties; in fact, treaties that we have with every commercial nation of the world; and it does it without any notice, without asking them to enter into any negotiations.

It vitally affects our commercial relations in a great many ways, and the sole purpose of it is to do away with what they call the "imprisonment" of the sailor—that is, to keep him from being returned to his ship for desertion.

Now, I am perfectly willing that that portion of the treaty so far as it applies to American sailors should be abrogated without notice to foreign countries. I think we have a perfect right to say what we shall do with our own sailors without consulting other countries. But for us to abrogate these various treaties that we have with commercial nations without giving them any notice does not seem to me to be such action as this body ought to take. Nor do I believe it will hasten the final time of this bill's becoming law. I am satisfied that the Senate will not pass a bill absolutely abrogating these various treaties without some notice being given to foreign nations. I am also satisfied that the Department of Commerce and Labor would not approve the legislation in this form, nor do I believe for one moment that the President of the United States upon a matter so small as the abolishing of imprisonment for desertion, which affects only foreign sailors, would sign the bill abrogating those treaties without notice. Now, if we are going to free the foreign sailor—and that is all this does—if we are going to make him free, why not at least consult the country that keeps him in bondage, and the country that he is willing to serve? I think we are making progress if we will take this plan and abrogate the treaties in so far as they affect American sailors, and then take up the negotiations with foreign countries in regard to their own sailors. That is all I have to say upon this amendment.

Mr. MANN. Mr. Speaker, the provision in the bill is that—

All treaties in conflict with this act are hereby abrogated, and the President of the United States is required at once to so notify every nation having any such treaty.

I am not familiar with the form of the treaties. The matter that would be in conflict with this provision would be in a commercial or navigation treaty, would it not?

Mr. WILSON of Pennsylvania. It would. We have commercial treaties with some 22 nations in which this question is involved.

Mr. MANN. Those treaties, I think, as a rule have provisions in reference to notice of abrogation.

Mr. WILSON of Pennsylvania. The time is usually one year. I do not know of any exception to that. But section 16 provides that this shall not go into effect until after the expiration of that notice, no matter how long notice may be required.

Mr. MANN. Where is that?

Mr. WILSON of Pennsylvania. That is in section 16:

That this act shall take effect, as to all vessels of the United States, 90 days after its passage, and as to foreign vessels 12 months after its passage, save and except that such parts hereof as provide for the abrogation of any stipulation by treaty or convention with any foreign nation shall only take effect after such notice, and at the expiration of such time as may be required by the terms of such treaty, stipulation, or convention.

Mr. MANN. I remember reading that, now. Does the gentleman think that absolutely covers the proposition?

Mr. WILSON of Pennsylvania. I think it does, and I see no reason why the amendment offered by the gentleman from Washington [Mr. HUMPHREY] should be agreed to under these circumstances.

Mr. MANN. I did not catch the amendment offered by the gentleman from Washington. I was looking at the provisions of the bill.

Mr. WILSON of Pennsylvania. If there are any provisions of this bill that are in conflict with any of our treaty obligations, then it becomes the duty of the President to give notice of the abrogation of the treaty, whether it applies to deserting seamen or to any other particular phase of the bill. Then the bill itself, as to that particular phase, does not go into effect until the expiration of the time required by the treaty for notice to be given to the foreign government.

Mr. MANN. I think probably that covers it, although it seems to me rather an inartificial way of getting at it.

The SPEAKER. The question is on the first amendment offered by the gentleman from Washington [Mr. HUMPHREY].

The amendment was rejected.

The SPEAKER. The question is on the second amendment offered by the gentleman from Washington.

The amendment was rejected.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The last two amendments were offered to the original section 16. I think the committee amendment changing the number of the section was not agreed to. That does not amount to anything, as the Clerk will do it anyhow.

The SPEAKER. The gentleman from Illinois is mistaken. The gentleman happened to be engaged when the Chair put that amendment in this way: That if there was no objection the amendment changing the number of the section would be agreed to.

Mr. MANN. It would not make any difference anyway. I was only trying to identify it. Now, this section was passed over.

The SPEAKER. Section 12.

Mr. MANN. Section 15 was passed over the other day. Now, if we go back to section 12, does that dispose of section 15? In other words, if anybody has any other amendment, let him produce it now.

The SPEAKER. If any gentleman has any amendment to section 15 let him offer it.

Mr. O'SHAUNESSY. Or forever after hold his peace.

The SPEAKER. If not, we will return to section 12. The Clerk will read section 12.

The Clerk read as follows:

SEC. 12. That no vessel, except those navigating rivers exclusively and except as provided in section 1 of this act, shall be permitted to depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel, nor unless 40 per cent in the first year, 45 per cent in the second year, 50 per cent in the third year, 55 per cent in the fourth year after the passage of this act, and thereafter 65 per cent of her deck crew, exclusive of licensed officers, are of a rating not less than able seaman: *Provided*, That no vessel carrying passengers, except those navigating rivers and harbors exclusively, shall be permitted to depart from any port of the United States unless she shall have a sufficient crew to man each lifeboat with not less than two men of the rating of able seaman or higher.

No person shall be rated as an able seaman unless he is 19 years of age or upward and has had at least three years service on deck at sea or on the Great Lakes. Any person may make application to any board of local inspectors for a certificate of service as able seaman, and upon proof being made to said board by affidavit, under rule approved by the Secretary of Commerce and Labor, showing the nationality of the applicant and the vessel or vessels on which he has had service and that he has had at least three years service on deck at sea or on the Great Lakes, the board of local inspectors shall issue to said applicant a certificate of service, which shall be retained by him and be accepted as prima facie evidence of his rating as an able seaman.

Each board of local inspectors shall keep a complete record of all certificates of service issued by them and to whom issued and shall keep on file the affidavits upon which said certificates are issued.

The collector of customs may, upon his own motion, and shall, upon the sworn information of any citizen of the United States setting forth that this section is not being complied with, cause a muster of the crew of any vessel to be made to determine the fact; and no clearance shall be given to any vessel failing to comply with the provisions of this section.

Mr. ALEXANDER. Mr. Speaker, I ask that the Clerk report the committee amendment.

The Clerk read as follows:

Amend by adding at the end of line 14, page 15, the words "who shall be drilled in the handling and lowering of lifeboats under rules and regulations to be prescribed by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce and Labor."

The SPEAKER. The question is on agreeing to the amendment.

Mr. ALEXANDER. Mr. Speaker, the amendment provides that those who are charged with maintaining the lifeboats shall be drilled in the handling and lowering of the lifeboats under rules and regulations prescribed by the Board of Supervising Inspectors, with the approval of the Secretary of Commerce and Labor. It is not necessary to detain the House by discussing the merits of this amendment. The *Titanic* disaster developed that there were not sufficient men to man the lifeboats, and that they were wanting in skill. This amendment is to charge the officers of the vessel with the duty of drilling these men in the lowering and handling of lifeboats, so that they may be available when accidents occur.

Mr. HUMPHREY of Washington. Mr. Speaker, I offer a substitute for the amendment.

The Clerk read as follows:

Page 15, line 17, strike out the words "on deck," after the words "Great Lakes," and insert the following: "Or as a fisherman, and upon examination by the local inspector, under such rules and regulations as the Commissioner of Navigation, under the direction of the Secretary of Commerce and Labor, shall direct, shall satisfy such inspector that he is competent to handle a lifeboat and other craft and equipment used for saving life at sea."

Mr. ALEXANDER. That amendment does not relate to the same part of the section as my amendment, and is not now in order.

Mr. HUMPHREY of Washington. I think that takes the place of the amendment offered by the gentleman from Missouri. I want to be heard on the amendment.

The SPEAKER. Which amendment does the gentleman wish to be heard upon?

Mr. HUMPHREY of Washington. On the substitute.

The SPEAKER. But the gentleman from Missouri raises the point of order that the substitute is not germane, or that it does not appertain to the amendment offered by him.

Mr. ALEXANDER. He can offer his amendment after this is disposed of.

Mr. HUMPHREY of Washington. As I understand the amendment offered by the gentleman from Missouri, it is exactly for the same purpose that I offer mine.

Mr. ALEXANDER. It relates to a different paragraph of the bill and is not inconsistent.

The SPEAKER. These two amendments have nothing on earth to do with each other. The amendment of the gentleman from Missouri comes in at the end of line 14 and reads:

Add at the end of line 14, page 15, "who shall be drilled in the handling and lowering of lifeboats under the rules and regulations to be prescribed by the Board of Supervising Inspectors, to be approved by the Secretary of Commerce and Labor"—

and the amendment of the gentleman from Washington comes in after the word "deck," in line 17:

Or as a fisherman, and upon examination by the local inspector, under such rules and regulations as the Commissioner of Navigation, under the direction of the Secretary of Commerce and Labor, shall direct, etc.

Mr. HUMPHREY of Washington. Mr. Speaker, I withdraw my amendment.

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was agreed to.

Mr. ALEXANDER. Mr. Speaker, I now offer the following amendment.

The Clerk read as follows:

After the word "section," in line 14, page 16, add the following words: "*Provided*, That the collector of customs shall not be required to cause such muster of the crew to be made unless said sworn information has been filed with him for at least six hours before the vessel departs, or is scheduled to depart."

Mr. MANN. Mr. Speaker, may I ask the gentleman from Missouri, in connection with this matter, whether he proposes to offer any amendment to the first part of that section, where it provides that the collector shall upon sworn information do certain things?

Mr. ALEXANDER. Mr. Speaker, there is an amendment printed in the RECORD and suggested by the gentleman from Illinois [Mr. MADDEN], which I do not care to offer myself, but my amendment was to meet the criticism that it would place too much power in the hands of one individual to cause a muster of the crew, because he might do it for vexatious purposes and to delay the sailing of the vessel. My amendment provides that the collector shall have the discretion to order the muster, and he shall not be required to do it unless the affidavit is filed at least six hours before the vessel departs or is scheduled to depart.

Mr. MANN. I failed to get that part of it that gave him any discretion.

Mr. ALEXANDER. Oh, he has a discretion, unless the affidavit is made at least six hours before the vessel is scheduled to depart.

Mr. MANN. The first part of the paragraph provides:

The collector of customs may, upon his own motion, and shall, upon the sworn information of any citizen of the United States, etc.

If it should read:

May upon his own motion or upon the sworn information of any citizen of the United States—

That would leave him discretion, without anything further, and it seems to me would cover the case even better than the gentleman has covered it.

Mr. WILSON of Pennsylvania. That would give him discretion without limiting it as to time. The amendment as proposed by the gentleman from Missouri gives him discretion if the affidavit is not filed six hours prior to the sailing of the vessel, and my opinion is that six hours' time would be sufficient in which to muster the crew of the largest vessel that floats, so that by giving him discretion within those six hours no difficulty such as has been complained of would arise.

Mr. MANN. Mr. Speaker, I am not a seaman, and I regret that the gentleman from Texas [Mr. HARDY] nor the gentleman from Missouri [Mr. ALEXANDER] nor the gentleman from Pennsylvania [Mr. WILSON] is not, and therefore better posted than probably any of us upon the subject; but it would seem to me that even on a six-hour permit it provides the easiest kind of blackmailing opportunity.

Mr. WILSON of Pennsylvania. It does not seem so to me. In the first place, there are but two things to be found out as a result of the muster. One is as to whether or not the proper percentage of qualified seamen are there, and we have provided a means by which their qualifications can be determined almost on sight. The other is with regard to language.

Mr. MANN. Does it not require an examination of the papers in every case? How would one know whether a man is an able seaman unless you examine the certificate?

Mr. WILSON of Pennsylvania. We provide that the papers themselves shall be prima facie evidence.

Mr. MANN. But you have to examine the papers in each case.

Mr. WILSON of Pennsylvania. That is true, but it does not take long, as the gentleman knows, to examine the papers that state that a seaman has certain qualifications, unless you attempt to go behind the returns and undertake to find out whether the papers have been properly issued.

Mr. MANN. Well, take my part of the country. He files an affidavit with a collector of customs in the city of Chicago, and it would take him an hour or two hours to get down to South Chicago to get in touch with the vessel at all; and if he had to go to Michigan City it would take him more than six hours to go to Michigan City. Michigan City is controlled by the collector of customs at the port of Chicago, and the same condition is true all over the coast of the United States. How would you be able to do it? All you could do in the last instance would be to send a telegram demanding that the vessel be held. It would be the easiest thing in the world to blackmail.

Mr. WILSON of Pennsylvania. In the general run of cases six hours is ample time.

Mr. MANN. That might be true in the general run of cases.

Mr. HUMPHREY of Washington. Mr. Speaker, I desire to be heard in opposition to the amendment. I want to ask the gentleman who has charge of the bill if he will not accept the amendment offered by the gentleman from Illinois [Mr. MADDEN]? He is not here; there are several gentlemen who are vitally interested in this bill, who, not knowing that it was going to come up to-day, are not here this afternoon. As the gentleman from Illinois [Mr. MANN] has pointed out, to leave this section the way it is would absolutely place it within the power of any one citizen to hold up every ship in any port in the United States. With as few members as there are here present now I do not think we ought to undertake to pass such drastic legislation.

Mr. WILSON of Pennsylvania. Mr. Speaker, as far as I am concerned, and I presume the chairman of the committee has the same opinion, I would not agree to that amendment. The amendment offered by the chairman of the committee gives protection of six hours' time, in which the collector of the port has discretion. If you strike out the words "and shall" and insert the word "or" in the case, it gives to the collector discretion without qualification as to the time. Now, with regard to permitting any citizen of the United States by affidavit——

Mr. HUMPHREY of Washington. May I interrupt the gentleman?

Mr. WILSON of Pennsylvania (continuing). To furnish information of this kind——

Mr. HUMPHREY of Washington. Just a moment. I have no objection to the gentleman talking, but I hope he will get five minutes' additional time, because he is talking in my time now.

I want the gentleman to ask for five minutes when he gets through, because he has been consuming my time.

Mr. WILSON of Pennsylvania. I am simply replying to the gentleman's interrogatory, and if he does not desire a reply to the question I have no desire to impose myself either upon him or the House.

Mr. HUMPHREY of Washington. I want the gentleman to ask for five minutes, so that I may have some time to talk.

The SPEAKER. The gentleman declines to yield.

Mr. HUMPHREY of Washington. No; I do not decline to yield, of course not.

The SPEAKER. If nobody is going to argue the amendment the thing to do is to put the question.

Mr. HUMPHREY of Washington. I am going to argue it when the gentleman gets through. I have yielded to him.

The SPEAKER. Does the gentleman from Pennsylvania desire to make any remarks?

Mr. HUMPHREY of Washington. Mr. Speaker, I am sorry if the gentleman from Pennsylvania misunderstood me. I did not refuse to yield to him, my colleague on the committee; I would yield to him always. The only thing I suggested was that he was taking up my time with a statement, and I hoped that he would get some time for me. Waiting for six hours is of no advantage. I have talked to shipping men, and they tell me it would take from 6 to 24 hours to make a muster of the crew and go through the necessary examination. You put into the hands of any person, without any punishment, the power to compel absolutely a muster of the crew just as often as he wants to of every ship that comes into a port, and I repeat what I have said before, that if we do that we would put it in the power of any one man to tie up indefinitely all the shipping in any port in the United States.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. HUMPHREY of Washington. I offer the following amendment, to come at the end of this section.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 16, line 14, after the word "section," insert:
"*Provided*, That any person that shall knowingly make a false affidavit for such purpose shall be deemed guilty of perjury, and upon conviction thereof shall be punished by a fine not exceeding $500 or be punished not exceeding one year, or by both such fine and imprisonment, within the discretion of the Secretary."

Mr. ALEXANDER. That ought to go in after the amendment which has been agreed to.

Mr. HUMPHREY of Washington. I thought the gentleman's amendment was agreed to.

Mr. ALEXANDER. You say after the section, and that is where my amendment was inserted.

Mr. HUMPHREY of Washington. I wanted it at the end.

Mr. HARDY. We have no objection to the penalty, but it seems to me that the law already provides a penalty against perjury, and I want to know whether the gentleman thinks he is adding anything to the law as it stands?

Mr. HUMPHREY of Washington. The gentleman is mistaken; I have looked into that, and there is no law on the statute books that makes a false affidavit a perjury.

Mr. HARDY. We have no objection to it.

The SPEAKER. The Chair calls the attention of the gentleman from Washington to the fact that evidently there is a clerical error toward the last of his amendment. It says "or be punished not exceeding one year." Of course it ought to be "imprisonment."

Mr. HUMPHREY of Washington. Yes.

The SPEAKER. The gentleman from Washington asks leave to change the phraseology of his amendment by striking out the words "be punished" and inserting in lieu thereof the words "by imprisonment."

Mr. RAKER. Mr. Speaker, I want to call the gentleman's attention to the latter part of his amendment, where, I think, it is wrong, if the Clerk will read it.

The SPEAKER. The Clerk will report the amendment.

Mr. RAKER. Of course the "in the discretion of the Secretary" should be "in the discretion of the court."

Mr. HUMPHREY of Washington. I did not look at the amendment after I dictated it.

The SPEAKER. The Clerk will report the amendment.

The amendment was again read.

Mr. RAKER. Mr. Speaker, I move to strike out the word "Secretary" and insert the word "court."

The SPEAKER. Without objection, the word "Secretary" will be changed to the word "court."

There was no objection.

The SPEAKER. The question is on agreeing to the amendment as amended.

The question was taken, and the amendment was agreed to.

Mr. HUMPHREY of Washington. Mr. Speaker, I offer as an amendment, on page 15, to strike out all after the word "crew," in line 1, and the whole of lines 2 and 3, down to and including the word "vessel," in line 4.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend page 15 by striking out all after the word "crew" in line 1, the whole of lines 2 and 3 and line 4 up to the word "nor."

The SPEAKER. The question is on agreeing to the amendment.

Mr. HUMPHREY of Washington. Mr. Speaker, I want to be heard on that amendment.

The SPEAKER. The gentleman from Washington is recognized.

Mr. HUMPHREY of Washington. Mr. Speaker and gentlemen, the purpose of that amendment is to strike out the language test. I would like very much for the gentlemen who are present to understand the situation in regard to this matter.

The bill as it stands proposes that all vessels that come into American ports, not only American vessels, but all vessels that come into American ports, shall carry a certain percentage of their crew in all departments that can understand any order of their officers. Now, the purpose of that amendment is well understood by everyone who has had anything to do with this bill. It is to do away with Chinese crews upon various vessels, a consummation devoutly to be wished. There is no patriotic American but would like to see that accomplished, and I do not believe that there is anyone who has given the question study but that thinks it ought to be done if it can be done.

But I want to call attention to the situation as it is upon the Pacific in particular as to what the result of this amendment will be. I want to quote just a sentence or two from the hearings—a statement made by the distinguished chairman of the committee when Mr. Schwerin, of San Francisco, was before it. The chairman said:

As I understand you, you suspect that this language is inserted here for the purpose of excluding Chinese crews from the ships?

The CHAIRMAN. Well, if it does, I am opposed to it, because I quite agree with you that under existing conditions it is proper to use Chinese crews.

Mr. SCHWERIN. That is what is aimed at here, and it has been openly stated so by many labor leaders, and I know it.

Then I asked Mr. Schwerin what would be the result. He replied:

Mr. SCHWERIN. The Americans would lose five ships under their flag—that is all—and American officers their jobs.

I want to call your attention to the fact as to why the distinguished chairman, I am satisfied, made that statement, and why I agree with him in regard to it. You take it upon the Pacific Ocean to-day, and there is one line of American vessels running from San Francisco to the Orient, namely, the Pacific Mail. That line runs in direct competition with a Japanese line that is subsidized $100,000 in gold for each round trip for each ship. Now, do not forget that. The Japanese vessels employ oriental cheap crews. The Pacific Mail employs the same character of crews. If this bill goes into effect in regard to the language test, the American vessel will have to have English-speaking crews, which will add about $100,000 expense to each round trip, making a difference, considering the subsidy, between the Japanese and American ships of $200,000 for each round trip. It is not necessary for me to stop and argue what will be the result. The result will be exactly as Mr. Schwerin says: "The Americans will lose five ships under their flag." They will immediately take the Japanese flag. That will be the only result. And at once, instead of having the American ships and Chinese crews, we will have Japanese ships with Japanese crews. Now, that is the condition at San Francisco. Up at Seattle there are two lines of Japanese vessels which run out of that port. They are subsidized, but they are slower ships. They are subsidized about $25,000 on one line for each round trip for each ship and about $50,000 in gold for each vessel for a round trip on the other line. From Seattle still runs one American ship, the only ship engaged exclusively in the over-seas trade under the American flag which is to-day running without a subsidy. Now, if you make the change, the result will be that vessel—the *Minnesota*—will have to employ English-speaking crews, against oriental-speaking crews upon the Japanese vessel. The result will be the Japanese flag will at once fly on that great American ship.

The SPEAKER. The time of the gentleman has expired.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask for 10 minutes more.

Mr. MANN. How much time does the gentleman want?

Mr. HUMPHREY of Washington. Ten minutes.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman may proceed for 10 minutes more.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the time of the gentleman from Washington [Mr. HUMPHREY] be extended 10 minutes. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. Now, I want to call the attention of the gentlemen of the House to a further point. I have been trying to find some way, and I have sought earnestly and honestly to see if there was any way in which this bill could be supported and not absolutely destroy American shipping on the Pacific coast. If so, I was willing to vote for it. But it will only destroy American shipping and not benefit a single American sailor or a single American ship upon the Pacific Ocean. Then, why should we do it?

There is not a single American sailor, so far as I know—perhaps there may be a few, but I doubt if there is a single American sailor—upon the Pacific Ocean, upon any of these lines, that would be affected. Now, I want you to understand that when you are making this change you are not making it for the benefit of American sailors. You are proposing to put these vessels under the Japanese flag, without benefiting anybody in this country. These ships will go under the Japanese flag, and continue to carry their oriental crews, but will lose their American officers.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Washington yield to the gentleman from California?

Mr. HUMPHREY of Washington. I will yield in just a moment. I want to finish with this point, and then I will yield to the gentleman. I want to call the attention of the House to the situation at Seattle and on Puget Sound, where it is a little more aggravated than it is at San Francisco, because at San Francisco the difference would be that you would have American vessels under the Japanese flag. But up at Seattle we have two English lines that run from Seattle to the Orient. We have two Japanese lines that run from Seattle to the Orient. We have one line that runs from South America up to Seattle, making four lines in all. Those English vessels employ Chinese crews. I am not sure about the German line, whether it employs a Chinese crew or not, but I think it does.

Now, suppose we should pass a law that would compel them to take off their Chinese crews. That would impose an expense for each round trip of at least $50,000. Right here, across the border [indicating on map], right at this point, in sight of Seattle, is Vancouver, British Columbia, a foreign port. The Canadian Pacific Railway has its terminus there. The Northern Pacific Railway has its terminals there. The Great Northern has its terminals there, and the Milwaukee is rapidly building to that port. Now, do you suppose that these foreign vessels coming from the Orient to Puget Sound are going to come down to Seattle or Tacoma, take chances on the desertion of their crews, and pay $50,000 for each voyage, when they can just as well stop at Vancouver, when there is not a single disadvantage in their so doing—not one? They have a good port there. They have spent millions of dollars to improve it. So that the only thing you will do by this bill will be to drive these vessels—all of them—from American ports to British ports. Instead of coming to Seattle they will go to Vancouver. What justification can there be for such legislation? The friends of this bill admit its main purpose is to induce foreign sailors to desert in American ports.

There is no doubt about it. No one who is in favor of this bill and studies it carefully will dispute that fact. That is the object of the bill. I am not going to argue whether that is a good proposition or a bad one. The friends of this bill argue that it is a good one because, they say, after a sailor deserts they will have to increase his wages to get him back on the vessel, and therefore it will raise the wages of sailors all over the world, and that will be a good thing. I doubt whether this will be the result when they come to the crews of vessels flying the English, German, or Japanese flag.

But however that may be, is the Japanese vessel going to come down to Seattle, where crews will be induced to desert? Men favoring this bill say that the Japanese sailors are learning to desert. Is the Japanese vessel going to come down to where its crew will desert, where they will be subject to the restrictions that this bill proposes in regard to the character of the crew and in other respects, when they can just as well stop at Vancouver? I want the Members from the Pacific coast to understand the situation and to know when they vote for this bill that, if it goes on the statute books, in six months' time there will not be an American flag on the Pacific Ocean in the deep-sea trade. If it goes on the statute books, so far as Seattle and Tacoma are concerned, with reference to the foreign trade, they might as well be blotted from the map.

You will absolutely destroy those cities as foreign ports, and I want the gentlemen here, especially those from the Pacific coast, to know it when they vote, so that they can not plead that they did not understand the result that was going to follow.

Mr. RAKER. Will the gentleman yield right there?

Mr. HUMPHREY of Washington. Certainly.

Mr. RAKER. Speaking of these Japanese lines from San Francisco to the Orient, is it not a fact that they have Chinese crews to the extent of at least 75 per cent?

Mr. HUMPHREY of Washingon. No, sir; it is not a fact.

Mr. RAKER. Is it not a fact that the Japanese vessels that sail from Seattle have at least 75 per cent Chinese crews?

Mr. HUMPHREY of Washington. No, sir; it is not a fact.

Mr. RAKER. What proportion?

Mr. HUMPHREY of Washington. A very small proportion of the crews upon Japanese vessels are Chinamen. There are a few in the steward's department. To make absolutely sure that I was not mistaken about that matter I asked the president of the sailors' union not two hours ago, and he assured me that there are only a few Chinese employed in the steward's department. Most of the crew upon Japanese vessels are Japanese. They employ their own people.

There is just one other point that I want to call attention to generally on this language-test proposition. The bill not only prescribes what kind of crews foreign vessels shall have and what language they shall speak on Japanese and other vessels, but under this bill an English vessel is prohibited from employing British subjects in many cases, because there are a great many British subjects who are sailors who do not speak the English language.

Mr. RAKER. Will the gentleman yield for a further question?

Mr. HUMPHREY of Washington. Certainly.

Mr. RAKER. Is it not a fact that under the present arrangement between the United States and Japan these Japanese could not desert and keep in line with the treaty agreement or the gentleman's agreement; that by deserting they would come into the United States and violate the very treaty or gentleman's agreement I was talking about in regard to the Japanese?

Mr. HUMPHREY of Washington. On the contrary, I will quote the authority that I referred to awhile ago, that I think is the highest authority there is on this question. I quote the distinguished president of the sailors' union. He says that the Japanese will desert. He thinks that thereby he will be enabled to increase wages at all Pacific ports.

I think there is no question that they will desert. This bill leaves it wide open anywhere in the United States for any sailor to come in, leave his vessel, and evade our immigration laws. That is one of the beauties of this bill.

Mr. MANN. I should like to ask the gentleman a question, if he will yield.

Mr. HUMPHREY of Washington. Yes.

Mr. MANN. I should like to ask the gentleman whether he thinks a Japanese sailor who had made a contract to serve for a certain length of time would be restrained by a gentleman's agreement between nations, not to desert if he was going to break his contract.

Mr. HUMPHREY of Washington. I should not think so. I should think any sailor who would enter into a solemn agreement with the owner of a vessel to serve for a round trip, and then desert, would not be restrained by a gentleman's agreement or any other kind.

Mr. O'SHAUNESSY. Will the gentleman elaborate the point that higher wages will follow the desertions?

Mr. HUMPHREY of Washington. I have never been able to follow that argument exactly. I will try to state it as I understand it.

The SPEAKER. The time of the gentleman has again expired.

Mr. HUMPHREY of Washington. I want to answer the gentleman's question. This is the vital part of the whole bill.

Mr. MANN. I ask that the gentleman have five minutes more.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Washington [Mr. HUMPHREY] be extended five minutes. Is there objection?

There was no objection.

Mr. HUMPHREY of Washington. The theory upon which this bill has been drawn, as I understand it, is this: I will take an exact illustration. A vessel comes into Seattle from Japan. It has a Japanese crew. That crew deserts when it gets into the port of Seattle. Under this bill there is no authority to take those men back to their vessel. They can leave

it at will. Now, their theory is that the crew will not go back until they have agreed to increase their wages. It might work in some places, but it will not work in Seattle, where they can stop at Vancouver. No Japanese shipowner is going to be so negligent of his own interest as to come down to Seattle when it would be of no advantage to him and might cause him endless trouble and great expense.

Mr. MARTIN of Colorado. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. MARTIN of Colorado. Will not either Chinese or Japanese vessels——

Mr. HARDY. Mr. Speaker, I raise the point of order that this discussion is not on the question before the House; it is the language test.

The SPEAKER. The Chair overrules the point of order.

Mr. MARTIN of Colorado. Will not both Chinese and Japanese sailors be taken up by the authorities and deported?

Mr. RAKER. You can not deport the Japanese laborers.

Mr. MARTIN of Colorado. You can deport the Chinese.

Mr. HUMPHREY of Washington. I will tell you, gentlemen, that as far as the Pacific Ocean is concerned, this bill is in every way in favor of the Japanese. Japan will control the entire trade in that ocean with the United States within six months after this law goes upon the statute books. If it in any way favored the American sailor or the American shipowner I would be in favor of it, but I am opposed and shall not vote knowingly to turn the Pacific Ocean over to Japan.

Mr. RAKER. If the same law applied to the Japanese that now applies to the Chinese there would be no objection raised; the objection now raised by the gentleman from Washington would not apply, would it?

Mr. HUMPHREY of Washington. Oh, if conditions were different, the same result might not happen.

Mr. RAKER. If the Japanese laborers were prevented from entering into the United States, the question of their desertion would not be an objection.

Mr. HUMPHREY of Washington. No; the question of the desertion would not be, but you would turn the whole matter over to the Japanese, as far as the ship is concerned, in any event.

Mr. RAKER. What is the difference between a Japanese vessel having a Japanese crew and an American vessel having Japanese and Chinese crews registered under the American flag?

Mr. HUMPHREY of Washington. The difference is twofold. You have American officers and pay them high wages on American ships; you would replace them with Japanese. If the time should come when we had difficulty and need of transports, these vessels of the Pacific Mail Co. are suitable for that purpose, and they are the only vessels under the American flag except one on the Pacific Ocean that are.

Mr. RAKER. Will the gentleman yield?

Mr. HUMPHREY of Washington. Yes.

Mr. RAKER. Are not two-thirds of the Japanese vessels manned by American captains?

Mr. HUMPHREY of Washington. No; that was true a few years ago, but it is not true now.

Mr. RAKER. How long since it ceased?

Mr. HUMPHREY of Washington. Not until recently.

Mr. RAKER. Very recently, indeed.

Mr. HUMPHREY of Washington. No; within two or three years.

Mr. PAYNE. Mr. Speaker, I desire to ask unanimous consent to extend my remarks on the wool bill in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks on the wool bill in the RECORD. Is there objection?

There was no objection.

Mr. HARDY. Mr. Speaker, in less than five minutes I think I can do away with the argument of the gentleman from Washington. This bill will drive no ship from the sea under the language test. The gentleman speaks of Mr. Schwerin, who testified before our committee that nearly every Chinaman he had could comply with the requirements of this bill, for the reason that he understood every order naturally to be given on board ship.

The English law requires that 70 per cent of their crew shall understand the language of the officers. The Swedish law is more strenuous still, and to show how little there is in what the gentleman from Washington has been saying, Mr. Hibberd, representing the Pacific coast interests, appeared before our committee, and this statement appears in the hearings:

Mr. HARDY. Do you thinks it is safe for a ship to be navigated unless 75 per cent of the crew understand the orders—it need not be English, but they can not understand? Mr. Parine said that among his sailors, Chinese though they were, every one of them understood orders such as were given.

Mr. HIBBERD. We never carry Chinese crews, so I can not answer that.

Mr. HARDY. The thing there is that they ought to have enough knowledge of English for a member of the crew to understand when he is spoken to and do what he is told to do.

Mr. HIBBERD. Yes.

Mr. HARDY. Then, if 75 per cent of them understand you can trust nearly all of them, and I think that the English law requires that 75 per cent can speak the English language.

The CHAIRMAN. We did not put that in for the reason that we did not want to prohibit against Germans, Swedes, Chinamen, nor Japanese, but simply that he understands the orders of the master when given in Chinese, Japanese, Hindu, or in a sign language—he ought to understand the orders.

Mr. HIBBERD. That does not interest the men on the coast very much.

Mr. Hibberd, representing that interest, said that it did not concern the men on the coast very much; and it is a fact that each and every one of them said that the provision would not interfere with their sailing or their vessels. The truth is, Mr. Schwerin said his Japanese sailors understood all of the orders perfectly, and that not 75 per cent but that 100 per cent of them understood the orders.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. ALEXANDER. Mr. Speaker, I would like to have the Clerk report the first amendment that appears in the RECORD.

The Clerk read as follows:

After the word "States," in line 10, page 2, amend by inserting the words "navigating the ocean and the Great Lakes and on voyages of more than 12 hours' length."

The SPEAKER. The question is on agreeing to the amendment.

Mr. MANN. Mr. Speaker, where does that amendment come in? Is that an amendment to section 1 of the bill? Is that something that has been passed over?

Mr. ALEXANDER. Mr. Speaker, I desire to ask unanimous consent to return to section 1 for the purpose of offering that amendment.

Mr. MANN. I have no objection to that.

The SPEAKER. The gentleman from Missouri asks unanimous consent to return to page 2, section 1, for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none and the Clerk will report the amendment.

Mr. BULKLEY. Mr. Speaker, I object.

The SPEAKER. The gentleman's objection comes too late.

Mr. BULKLEY. Mr. Speaker, I was on my feet.

The SPEAKER. Was the gentleman up trying to object before the Chair announced the decision?

Mr. BULKLEY. I was.

The SPEAKER. Very well. The gentleman from Ohio objects.

Mr. HUMPHREY of Washington. Mr. Speaker, I do not know what the gentleman's purpose is in denying unanimous consent, but if he is trying in that way to make time, he is mistaken in his attitude in regard to it, for if he insists upon it I shall make the point of no quorum.

Mr. ALEXANDER. Mr. Speaker, I did not understand what the gentleman said.

Mr. HUMPHREY of Washington. I merely said that I did not understand the purpose of the gentleman from Ohio in making his objection, and of course I have not the right to ask him, and do not ask him.

Mr. BULKLEY. But I am perfectly willing to answer the gentleman. I object because I do not like the amendment.

Mr. ALEXANDER. I suppose the gentleman does not want it to apply to the Great Lakes?

Mr. BULKLEY. No; I want it to apply to the Great Lakes, and I think it does as it reads now; but I object to the 12-hour part of it.

Mr. ALEXANDER. When the amendment is pending, why not move to strike out that part of it at that time?

Mr. BULKLEY. I do not want the 12-hour part of it in at all. If the gentleman will assure me that he will cut that out, I will give unanimous consent to return to the paragraph.

Mr. ALEXANDER. If the gentleman wants to move to strike that out, I shall not force it. It was put in at the suggestion of other parties.

Mr. BULKLEY. I would rather not give consent unless that is understood.

The SPEAKER. Does the gentleman from Ohio withdraw his objection?

Mr. BULKLEY. No; I object.

Mr. HUMPHREY of Washington. Mr. Speaker, I move to strike out the last word for the purpose of asking the gentleman who is in charge of the bill a question. On page 14, section 12, line 24, we find this language:

Except those navigating rivers exclusively and except as provided in section 1 of this act.

I do not know what is meant by the statement "section 1 of this act."

Mr. WILSON of Pennsylvania. Mr. Speaker, section 1 of this act provides for the amendment of section 4516, and requires that the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of, and the clause to which the gentleman has reference——

Mr. HUMPHREY of Washington. That refers to ships, but the language is:

That no vessel, except those navigating the rivers exclusively, and except as provided in section 1 of this act.

Mr. WILSON of Pennsylvania. Where is the gentleman reading?

Mr. HUMPHREY of Washington. On page 14, lines 23, 24, and 25. I never have been able to understand what that language means.

Mr. WILSON of Pennsylvania. That applies to section 1. Section 12 says that no vessels, except those navigating rivers exclusively and except as provided in section 1 of this act, shall be permitted to depart from any port, and so forth. Section 1 of the act provides that he must secure certain seamen when desertions take place, if obtainable, so that if they are not obtainable he would still be permitted to depart, and that is what that language applies to.

Mr. HUMPHREY of Washington. I think the gentleman is mistaken.

Mr. WILSON of Pennsylvania. That is what it is intended to apply to.

Mr. HARDY. It is intended to apply to the unalterable requirements in section 1 that exempt the vessels which could not get a crew the other way.

Mr. HUMPHREY of Washington. I want to ask the gentleman from Missouri a question. The gentleman from Pennsylvania [Mr. MOORE] has an amendment to offer, but he is not here. I am willing to go through the discussion of this bill to-day, but if the gentleman is going to insist upon a vote upon it without giving the gentleman from Pennsylvania an opportunity to be heard, I do not like to do it. The gentleman has been very courteous, but I do not think he ought to try to pass the bill——

Mr. ALEXANDER. We are going to pass the bill to-day, and if the gentleman wants to offer the amendment in the absence of Mr. MOORE of Pennsylvania, I will not object and will not resist his amendment.

Mr. HUMPHREY of Washington. I do not know what it is.

Mr. ALEXANDER. At the same time, the gentleman wants us to delay the bill.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move the previous question on the bill as amended to final passage——

Mr. HUMPHREY of Washington. I have an amendment pending.

The Clerk read as follows:

Page 16, line 17, strike out the words "on deck," and after the words "Great Lakes" insert the following: "Or as a fisherman, and upon examination by the local inspector, under such rules and regulations as the Commissioner of Navigation, under the direction of the Secretary of Commerce and Labor, shall direct, shall satisfy such inspector that he is competent to handle a lifeboat and other crafts and equipment used for saving life at sea."

Mr. HUMPHREY of Washington. Mr. Speaker, I want to be heard on that amendment. Especially to vessels on the Great Lakes and on inland waters this is very important. I call to the attention of the House that the bill provides that every ship shall have two able seamen for each lifeboat. Under the regulations made recently the number of lifeboats in some instances has been more than doubled. Now, if we adopt this amendment which I have offered, it makes any man who has been drilled and is capable of handling a lifeboat an able seaman. If you do not do this, you increase, in some instances, three times the number of men upon the deck for no purpose whatever except to be used in time of accident. I want to call the attention of the House to the fact, as I said the other day, in regard to able seamen, that many men have been upon the Great Lakes and upon the ocean on deck for three years and more and yet know nothing whatever about handling a lifeboat, have never handled a rowboat, and know no more about them than if they had been spending their time in this House. Now, this proposes to make a definition of able seaman that will mean something, so when we put men on a lifeboat they shall know something about it. By striking out the words "on deck," then it includes both firemen and those in the steward's department. The fireman and those in the steward's department know as much about handling the lifeboats as the so-called able seaman.

They all get exactly the same training. If you adopt this amendment, when a man makes an application for a position upon a vessel he will have to know something about handling a lifeboat. I have not been able to understand how any man on either side of this House can object to this amendment in view of the fact that we have been saying that we want to increase the safety of life at sea. If you want to do that, let us put the right kind of men in the lifeboats. This will not work a hardship on anybody unless on the shipowner. I hope there will be no opposition to this amendment on either side of the House.

Mr. ALEXANDER. Mr. Speaker, the gentleman's purpose is not alone to provide that skilled seamen shall be used in lowering the lifeboats. The amendment agreed to awhile ago expressly provides that the men used in lowering lifeboats shall be drilled in the handling and lowering of lifeboats under rules and regulations to be prescribed by the Board of Supervising Inspectors with the approval of the Secretary of Commerce and Labor.

And the very purpose of that amendment was to provide that vessels shall not depart from any port of the United States unless they shall have a sufficient crew with which to man each lifeboat, and that they shall be drilled in lowering and managing lifeboats. And that amendment has been already agreed to. The gentleman's purpose is to qualify the provision with reference to able seamen. He is opposed to that provision in the bill, and hence his amendment provides:

Strike out the words "on deck," and after the words "Great Lakes," insert the following:

"Or as a fisherman, and upon examination by the local inspector, under such rules and regulations as the Commissioner of Navigation, under the direction of the Secretary of Commerce and Labor, shall direct, shall satisfy such inspector that he is competent to handle a lifeboat and other crafts and equipment used in saving life."

Now, the effect of this amendment will be to nullify the other amendment which has been agreed to, that not less than two of these seamen shall be able seamen and qualified to lower lifeboats. In other words, the purpose is to permit the ship's officers to use stewards, waiters, or anybody else on board for this purpose, provided they are drilled in that work. Our object in framing this section is to provide that the deck crew shall be able seamen, and at least two able seamen to each lifeboat, and that all those who man lifeboats shall be qualified to handle them.

Mr. MANN. Will the gentleman yield for a question?

Mr. ALEXANDER. Yes.

Mr. MANN. The language of the bill to which the gentleman from Washington [Mr. HUMPHREY] offers his amendment is:

No person shall be rated as an able seaman unless he is 19 years of age or upward, and has had at least three years' service on deck at sea or on the Great Lakes.

Does that expression "on deck" include fishermen's boats?

Mr. WILSON of Pennsylvania. I do not think there is any question but that it does.

Mr. HUMPHREY of Washington. I do not think it does.

Mr. WILSON of Pennsylvania. I think there is not any question but that a fisherman, when he is at sea, is on deck.

Mr. MANN. Having heard the opinion of my seaman friend from Pennsylvania, I would like also the opinion of my seaman friend from Missouri, whether he thinks service on deck will include service on fishermen's boats?

Mr. ALEXANDER. I do not know why it would not.

Mr. MANN. That is not my question.

Mr. ALEXANDER. The best seaman we have is the fisherman.

Mr. MANN. Is this service on deck? I want it, so it, at least, will go in the RECORD.

Mr. ALEXANDER. We do not want it so that those in the steward's department, the waiters, and the chambermaids, and so forth, shall man the ship. [Laughter.]

Mr. MANN. The gentleman is talking about the paragraph that is not under consideration. I am talking about the one that is, namely, the definition of what an able seaman is. Let us have no misunderstanding about it. If it does not include men doing work on fishermen's boats, it ought to do so, and if it does, let us say so.

Mr. WILSON of Pennsylvania. If there is any question about it, we would have no objection to the words "fishermen at sea or on the Great Lakes" being included, but to take the rest of the gentleman's amendment would be another proposition.

Mr. MANN. I am supposed to be talking about the gentleman's amendment. Do the gentlemen in charge of the bill have any doubt that it does include service on fishing boats?

Mr. WILSON of Pennsylvania. I have no doubt but that it includes fishermen, but if there are any gentlemen on the floor who have any doubt as to its including fishermen I, for one, have no objection to an amendment being offered that will include fishermen on the seas and on the Great Lakes.

The SPEAKER. The time of the gentleman has expired. The question is on agreeing to the amendment offered by the gentleman from Washington [Mr. HUMPHREY].

The question was taken, and the amendment was rejected.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed joint resolution of the following title, in which the concurrence of the House of Representatives was requested:

S. J. Res. 126. Joint resolution authorizing Federal bureaus doing hygienio and demographic work to participate in the exhibition to be held in connection with the Fifteenth International Congress on Hygiene and Demography.

SENATE JOINT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. J. Res. 126. Joint resolution authorizing Federal bureaus doing hygienic and demographic work to participate in the exhibition to be held in connection with the Fifteenth International Congress on Hygiene and Demography; to the Committee on Foreign Affairs.

ENROLLED JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 103. Joint resolution directing the Secretary of War to investigate the claims of American citizens for damages suffered within American territory and growing out of the late insurrection in Mexico.

THOMAS DAVIDSON.

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent to send to the Clerk's desk and have read the House joint resolution that I hold in my hand.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution 346.

Whereas, by an error in printing the report of the House Committee on Invalid Pensions upon H. R. 21230, approved June 19, 1912 (Private, No. 26), the designation of the military service of one Thomas Davidson, late of Company G, Seventeenth Regiment Massachusetts Volunteer Infantry, was changed to read "Company H" of said regiment: Therefore be it

Resolved, etc., That the paragraph in H. R. 21230, approved June 19, 1912 (Private, No. 26), granting an increase of pension to one Thomas Davidson be corrected and amended so as to read as follows:

"The name of Thomas Davidson, late of Company G, Seventeenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $36 a month in lieu of that he is now receiving."

The SPEAKER. The gentleman from Colorado moves to discharge the Committee on Invalid Pensions from the consideration of this resolution and consider it now. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I will suggest that in passing the resolution the reference should be made to the law, not to the bill, both in the title and body of the resolution. The gentleman should put in the title of the law. That is what we want to correct. We do not want to correct the bill.

Mr. MARTIN of Colorado. The title to the law is in the resolution. I copied the title of the law in the resolution. I did not refer to the number of the omnibus bill, but referred to the number of the act—Private, 26.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the title of the law be inserted in the body of this resolution and in its title. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the House joint resolution as amended.

The House joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

COMMERCE OF THE MISSISSIPPI VALLEY.

Mr. RANSDELL of Louisiana. Mr. Speaker, I ask unanimous consent to print in the RECORD a very interesting address delivered by Mr. O. P. Austin, Chief of the Bureau of Statistics, on the commerce of the Mississippi Valley.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to print in the RECORD a speech on the commerce of the Mississippi Valley delivered by Mr. O. P. Austin. Is there objection?

There was no objection.

SURVIVORS OF THE ANDREWS RAID.

Mr. WILLIS. Mr. Speaker, I desire to submit a request for unanimous consent to extend my remarks in the RECORD, and before the Chair submits that request I wish to make a very brief statement.

On the 21st of December, 1911, I introduced a bill (H. R. 16639) granting pensions to William Bensinger, William J. Knight, Wilson W. Brown, John R. Porter, and Daniel A. Dorsey, five of them in all, being the survivors of the famous Andrews raid. This bill is pending in the Committee on Invalid Pensions, and I earnestly hope it may receive early consideration and favorable report at the hands of the committee. I suppose every gentleman in the House knows the story of that heroic exploit, unexcelled for bravery and daring in the bloody annals of war.

The cool deliberation of their leader, the carefully wrought plan, the noble patriotic devotion of the heroic men who risked and some of whom lost their lives in executing that plan, the capture of that famous old engine "The General," the mad race for life, the fruitless attempt to destroy track and bridge so as to block pursuit, the final abandonment of "The General" by the raiders, their pursuit and capture by the Confederate forces—all these make a thrilling story of dash and excitement and courage without a parallel in history.

Of the 22 men in this expedition, 20 were furnished by Ohio, most of them coming from the Twenty-first, Second, and Thirty-third Regiments. Many of these men I have known well, some of them, I am proud to say, intimately. They were a heroic band, the story of whose courage and fortitude stirs the heart of every American. Of the 22 men who thus contributed one of the most brilliant pages in our country's history, only five remain; four of them are residents of Ohio, one lives in Illinois, but wherever they may abide, the story of their heroism will continue to inspire the youth of the land, and when the last of the five shall have answered the final roll call and gone to meet his comrades on "fame's eternal camping ground" the Andrews Raiders will be remembered, and I trust that a grateful Nation may not have to regret that it failed to provide for these old heroes in their declining years.

In connection with House bill 16639 and the story of the Andrews or Mitchell raid, as it is sometimes called, a very interesting account recently appeared in the Pittsburgh Gazette-Times, and I ask unanimous consent to print this account in the RECORD as a part of my remarks.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. WILLIS. The bill and the newspaper article to which I have referred are as follows:

A bill (H. R. 16639) granting a pension to William Bensinger and others.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, at the rate of $100 per month, the names of William Bensinger, Company G, Twenty-first Regiment Ohio Volunteer Infantry; William J. Knight, Company K, Twenty-first Regiment Ohio Volunteer Infantry; Wilson W. Brown, Company F, Twenty-first Regiment Ohio Volunteer Infantry; John R. Porter, Company G, Twenty-first Regiment Ohio Volunteer Infantry; and Daniel A. Dorsey, Company H, Thirty-third Regiment Ohio Volunteer Infantry, the pension herein provided to be in lieu of any and all pensions now received by said soldiers, whether under the general law or by special act of Congress.

[From the Pittsburgh Gazette-Times, Jan. 14, 1912.]

EXPLOIT OF THE ANDREWS RAIDERS REVIVED—CONGRESSMAN'S APPLICATION TO GIVE SPECIAL PENSIONS TO THE FIVE SURVIVORS OF THAT WILD RIDE ON "THE GENERAL," A LOCOMOTIVE THE RAIDERS STOLE FROM THE CONFEDERATES, RENEWS INTEREST IN ONE OF THE MOST DARING INCIDENTS OF THE CIVIL WAR—20 OF THE MEN FROM OHIO.

One of the most daring exploits of the Civil War was recalled a few days since by the publication in the Gazette-Times of the following dispatch from Findlay, Ohio:

"Almost fifty years after they had pierced the Confederate lines near Chattanooga and stole a locomotive in the heart of the Confederacy the five survivors of the Andrews raiders will be granted a special pension of $100 a month, if a bill introduced by Congressman WILLIS, of this district, becomes a law. The survivors are William Bensinger, 72, of McComb, this county; W. J. Knight, Strycker, Ohio; W. W. Brown, 74, East Toledo; D. A. Dorsey, 76, Lincoln, Nebr.; and John R. Porter, residing in Illinois."

The story of the Andrews raiders and their bold seizure of "The General," the locomotive destined to become famous (it now occupies a post of honor in the Union Station at Chattanooga), will bear telling again. Grayheads there be who will yet thrill at its recital, and there may be many younger persons to whom it will come as interesting information. The narrative is most interestingly set forth in an attractive brochure issued some months ago at Nashville. Here it is:

BEGINNING OF THE ADVENTURE.

When, on a bright April day in 1862, the trainman sang out, "Big Shanty: 20 minutes for breakfast," the hearts of a score of brave men beat faster, as they knew the hour had come for the beginning of one of the grandest exploits in history.

The men, from their dress, were citizens, and had boarded the northbound train at Marietta, a pretty little Georgia town 20 miles north of Atlanta. They paid their fares to different points, and from the conversation one would suppose that they were refugees from the Yankees; but in reality they were disguised soldiers of the United States Army under command of Gen. Mitchell, then in middle Tennessee, bound south.

They were volunteers to do a dangerous work, and were to get through the country as best they could to Marietta, then board a train bound for Chattanooga, and at Big Shanty, 7 miles away, while the crew and passengers were at breakfast, detach the engine, run north, obstruct the track, cut the wires, and burn bridges, of which there were 15 between Big Shanty and Chattanooga. This was the brilliant scheme. How well it was carried out is here shown:

STRANGERS BOARD TRAIN.

On the morning of the 12th of April, 1862, Capt. W. A. Fuller left Atlanta at 6 o'clock in charge of the passenger train, having three empty freight cars next to the engine, which were intended to bring commissary stores from Chattanooga to Atlanta. When he reached Marietta, 20 miles distant from Atlanta, a considerable party of strangers, dressed in citizens' clothes, got on board and paid their fares, some to one point and some to another. They all claimed to be refugees from within the Yankee lines desirous of joining the Confederate army.

Seven miles from Marietta, at Big Shanty, the train stopped for breakfast. Most of the passengers and train's crew went to the breakfast house, which was situated some 40 feet from the track. At this time Big Shanty was the location of a camp of instruction, called Camp McDonald, and there were about 3,000 Confederate recruits there at the time, being drilled ready to send to the front for active service. The passengers had taken seats at the table. Capt. Fuller was sitting on the opposite side of the table from the railroad, and facing the train. He saw through the window some of the strangers who got on at Marietta get on the engine in an excited manner and start off rapidly, with the three freight cars detached from the passenger train. He remarked to his engineer, Jeff Cain, and to Anthony Murphy, who was present, and at that time foreman of the Western & Atlantic Railroad shops: "Some one has gone off with our train." All three arose and hurried out of the house just as the engine passed out of sight.

NOT DREAMED THEY WERE FEDERALS.

Some deserters had been reported as having left Camp McDonald, and the commanding officer had requested Capt. Fuller to look out for them and arrest any soldier who attempted to get on his train without a passport. No one had any idea that the parties in possession of the engine were Federals, but supposed that it had been taken by parties desiring to desert Camp McDonald, and who would run off a short distance and abandon it.

Capt. Fuller, Murphy, and Cain left Big Shanty with a clear and well-defined motive and a fixed determination to recapture the engine, no matter who the parties were. They started out on foot and alone, nothing daunted in putting muscle in competition with steam. Capt. Fuller outran his companions and soon reached Moon's Station, two miles from Big Shanty. Here he learned from the trackmen that the men with the engine stopped and took their tools from them by force. They reported that on the engine and in the freight cars there were 24 or 25 men, and that while some of the men gathered the tools, others climbed the telegraph poles and cut the wires in two places, carrying away about 100 yards of wire. This statement satisfied Capt. Fuller that these men were Federals in disguise. This added new stimulus to his resolve. The determination then was not only to capture his engine, but the Federals.

PURSUIT IN HAND CAR.

With the assistance of the track hands he placed on the track a hand car and pushed back for his engineer, when he soon met Messrs. Murphy and Cain.

Knowing the schedules, grades, stations, and distances so well, he was confident that by using great effort he could reach Etowah River by the time the fugitives could reach Kingston. At Kingston he knew they would have to contend with a number of freight trains, which would necessarily detain them several minutes.

As soon as he got Mr. Murphy and Mr. Cain on board he told them his plan to push on to Etowah as quickly as possible, for there he hoped to get old "Yonah," an engine used at Cooper's iron works; and his plan proved successful. In the "rapid transit" by hand car Capt. Fuller, Mr. Murphy, and Mr. Cain took turns in pushing, two running on foot and pushing, while the other rested; one mile from Moon Station they found a large pile of crossties on the track—placed there by the fugitives to obstruct pursuit. The obstructions were removed, and they pushed on to Acworth.

Here they pressed into service such guns as they could find and were joined by two citizens—Mr. Smith, of Jonesboro, and Steve Stokely, of Cobb County—who rendered valuable service in the subsequent pursuit. Resuming their journey they found no obstruction until they reached a short curve 2 miles from Etowah. Here two rails from the outside of the curve had been taken up.

The result was the hand car was ditched. In a few seconds Capt. Fuller and his men had the car on the track beyond the break, and with renewed energy and determination they pushed on to Etowah, where, to their great joy, they found the engine, as they supposed they would. And yet it appeared a slim chance. The engine was standing on the sidetrack, with the tender on the turn table. The tender was turned around and pushed to the engine and a coal car attached. Some six or eight Confederate soldiers volunteered in the chase and took passage in the coal car.

RAN 60 MILES AN HOUR.

From Etowah to Kingston Capt. Fuller ran at the rate of 60 miles an hour, and found that the fugitives had passed by. A large number of freight trains had pulled by the station so as to let the fugitives out at the farther end of the track.

The agent informed Capt. Fuller that the leader of the fugitives claimed to be a Confederate officer who had impressed the train at Big Shanty, and the three cars were loaded with fixed ammunition for Gen. Beauregard, at Corinth. Capt. Fuller, he said, was behind with the regular passenger train. He insisted that the agent should let him have a switch key and instruct the conductors of the down trains to pull by and get out of his way, as it was important for him to go on to Chattanooga and Corinth as rapidly as possible.

So authoritative was he in his demands, and so plausible in his speech, that the agent, a patriotic man, believing his story, carried out his request, and so the fugitives, by the finesse of their leader, passed by one great obstruction. The freight trains were gathered here, and so heavy to move that had Capt. Fuller stopped to get them out of his way, to pass, his delay would have been too long. Finding that he could not pass with old "Yonah," he abandoned it.

The Rome engine was on the "Y," headed for Chattanooga, with one car attached. He immediately took possession of it, and continued the chase with all who would volunteer to go with him. He had not proceeded far before he found crossties on the track every 200 or 300 yards.

DROPPED TIES FROM REAR.

After passing Kingston the fugitives punched out the end of the rear car, which enabled them to drop out ties without slacking up. Capt. Fuller was forced to lose time in stopping to remove these obstructions.

Laboring under these disadvantages, the pursuers redoubled their energy and proceeded to Adairsville. When he reached a point 4 miles from Adairsville he found 60 yards of track torn up, and set out on foot, calling on his men to follow. When he had gone half a mile he looked back and saw none but Anthony Murphy following him. He made 2 miles as quick as he could run, and met the express freight. Having a gun and knowing the signal, the engineer recognized Capt. Fuller and stopped the train immediately.

Knowing that Mr. Murphy was only a short distance behind, the train was detained until he came up. He then took a position at the rear end of the train, 20 car lengths from the engine, and started backward, in the direction of Adairsville, without taking time to explain to the engineer or conductor. When he got within 200 yards of the switch at Adairsville, Capt. Fuller jumped off the train, ran ahead, and changed the switch so as to throw the cars on the sidetrack.

He accomplished this, changed the switch to the main track, and jumped on the engine, which had been uncoupled from the train. This feat was accomplished so quickly that the train and engine ran side by side for fully 300 yards. He now had only the engine with the following crew: A. Murphy, Peter Bracken, the engineer, Fleming Cox, the fireman, and Alonzo Martin, wood passer. He resumed the chase, making Calhoun, 10 miles distant, in 12 minutes. As he approached Calhoun, Capt. Fuller recognized the telegraph operator from Dalton, a lad 12 years old. The operator also recognized Capt. Fuller, and as the engine passed by, at the rate of 15 miles an hour, grasped Capt. Fuller's hand held out to him, and was safely landed on the engine.

NOTIFIES GEN. LEDBETTER.

The operator, having discovered that the wire had been cut, made his way down to Calhoun, looking for the break. As they sped along backward as fast as an engine with 5-foot 10-inch wheels could possibly run, Capt. Fuller wrote the following telegram to Gen. Ledbetter, then in command at Chattanooga:

"My train was captured this a. m. at Big Shanty, evidently by Federal soldiers in disguise. They are making rapidly for Chattanooga, possibly with an idea of burning the railroad bridges in their rear. If I do not capture them in the meantime, see that they do not pass Chattanooga."

Capt. Fuller's desire now was to reach Dalton and send the telegram before the fugitives could cut the wire beyond Dalton. Two miles beyond Calhoun the fugitives were sighted for the first time, and from their movements they were evidently greatly excited. They detached one of their freight cars and left it at the spot where they were discovered. They had partially taken up a rail, but that or the car did not detain Capt. Fuller.

He coupled the car to the engine without stopping, got on top of the freight car, and gave signals to the engineer by which he could run, as the car in front obscured his view. Two and a half miles farther Capt. Fuller came across another freight car which the fugitives had detached. As before, he coupled this on without stopping, and pushed on to Resaca, where he switched the two cars off on the siding.

JUMPS OVER RAILS.

Again he started with an engine only. Two miles north of Resaca, while standing on the rear of the tender, he discovered in a short curve a T rail diagonally across the track and being too close to stop, the engine went over it at the rate of 55 miles an hour. After this, until they reached Dalton, only occasionally were obstructions met with. At Dalton he dropped the telegraph operator with instructions to put through the telegram at all hazards, and continued the chase. Two miles beyond he overtook the fugitives tearing up the track in plain view of Col. Jesse A. Glenn's regiment, camped near by. They cut the telegraph wire just after the Dalton operator had flashed Capt. Fuller's telegraph over it, preventing him from receiving the usual acknowledgment from Chattanooga.

The fugitives resumed their flight, and never, perhaps, did two engines with 5 feet 10 inch wheels make faster time than the pursued and the pursuer. The fugitives had the advantage, from the fact that the "General," a "Rogers," was headed for Chattanooga, while the "Texas," a "Danforth & Cook" engine, was running backward.

The 15 miles to Ringgold and 3 miles beyond was made in less time than Capt. Fuller ever made the same distance in 22 years' experience as a conductor. Half way between Ringgold and Graysville he got within one-quarter of a mile of the fugitives, who, being so closely pressed, set their only remaining freight car on fire, with a view of cutting it loose on the next bridge. The smoke of the "General" plainly evidenced that she was fagging.

The fugitives abandoned the engine and took to the woods in a westerly direction. Capt. Fuller now ran up and coupled on to the burning car. The fire was extinguished and the car sent back to Ringgold in charge of the engineer. As Capt. Fuller passed Ringgold he noticed some 50 or 75 militia mustering, and sent back word to the commanding officer to put all his militia on horseback and send them into the woods in pursuit of the fugitives as quickly as possible.

This was about half past 1 o'clock p. m. Although jaded and fatigued, Capt. Fuller, Anthony Murphy, Fleming Cox, and Alonzo Martin took to the woods in pursuit. When the fugitives abandoned the engine, Andrews, their leader, said: "Everyone take care of himself," and they left in squads of three or four. Four of them were run down in the fork of the Chickamauga River at Graysville, and one was forcibly persuaded to tell who they were.

The militia, mounted on fresh horses, scoured the woods that afternoon, and in a few days the last of the fugitives were captured.

Later there was a trial by military court, and eight of the number were executed in Atlanta as spies. Six were exchanged and eight escaped from prison at Atlanta. Thus ended one of the most daring exploits on record.

There were 22 men engaged in the enterprise. Twenty of them were from Ohio and two from Kentucky.

THE MEN IN THE PARTY.

The following-named men participated in the famous raid:
James J. Andrews, leader, citizen of Flemingsburg, Ky.
William H. Campbell, citizen of Kentucky.
Marion A. Ross, sergeant major Second Ohio Infantry.
William Pittenger, sergeant, Company G, Second Ohio Infantry.
George D. Wilson, private, Company B, Second Ohio Infantry.
Charles P. Shadrach, private, Company K, Second Ohio Infantry.
Elihu H. Mason, sergeant, Company K, Twenty-first Ohio Infantry.
John M. Scott, sergeant, Company F, Twenty-first Ohio Infantry.
Wilson W. Brown, corporal, Company F, Twenty-first Ohio Infantry.
Mark Wood, private, Company C, Twenty-first Ohio Infantry.
John A. Wilson, private, Company C, Twenty-first Ohio Infantry.
William Knight, private, Company E, Twenty-first Ohio Infantry.
John R. Porter, private, Company G, Twenty-first Ohio Infantry.
William Bensinger, private, Company G, Twenty-first Ohio Infantry.
Robert Buffum, private, Company H, Twenty-first Ohio Infantry.
Martin J. Hawkins, corporal, Company A, Thirty-third Ohio Infantry.
William H. Reddick, corporal, Company B, Thirty-third Ohio Infantry.
Daniel A. Dorsey, corporal, Company H, Thirty-third Ohio Infantry.
John Wollam, private, Company C, Thirty-third Ohio Infantry.
Samuel Slavens, private, Company E, Thirty-third Ohio Infantry.
Samuel Robertson, private, Company G, Thirty-third Ohio Infantry.
Jacob Parrott, private, Company K, Thirty-third Ohio Infantry.

Eight of these men, whose names appear below, were executed by the Confederate authorities at Atlanta, Ga., in June, 1862: Andrews on June 7; and Campbell Ross, George D. Wilson, Shadrach, Scott, Slavens, and Robertson on June 18. On October 16, 1862, the eight following-named made their escape from prison at Atlanta, Ga.: Brown, Wood, John A. Wilson, Knight, Porter, Hawkins, Dorsey, and Wollam. The remaining six members of the raiding party were paroled at City Point, Va., March 17, 1863. Their names follow: Pittenger, Mason, Bensinger, Buffum, Reddick, and Parrott.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 14 minutes p. m.) the House adjourned until Monday, August 5, 1912, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RUSSELL: A bill (H. R. 26112) to prescribe the method by which the terms of service shall be computed under the act of May 11, 1912, entitled "An act granting pensions to certain enlisted men, soldiers and officers, who served in the Civil War and the War with Mexico"; to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 26113) granting an appropriation for the destruction of predatory wild animals; to the Committee on Agriculture.

By Mr. ADAMSON: A bill (H. R. 26114) to authorize the people of Porto Rico to construct a bridge across the Cano de Martin Pena, an estuary of the harbor of San Juan, P. R.; to the Committee on Interstate and Foreign Commerce.

By Mr. TILSON: A bill (H. R. 26115) to provide for a uniform national bank currency; to the Committee on Banking and Currency.

By Mr. FITZGERALD: Resolution (H. Res. 659) to pay Michael Doyle for services as a Capitol policeman; to the Committee on Accounts.

By Mr. BROUSSARD: Resolution (H. Res. 660) authorizing the appointment of a committee to investigate the Mississippi River levees and defining its duties, etc.; to the Committee on Rules.

By Mr. LAFFERTY: Resolution (H. Res. 663) to make H. R. 22002 privileged; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 26116) granting an increase of pension to Adele Norton; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 26117) authorizing the Secretary of War to confer upon David Davis the congressional medal of honor; to the Committee on Military Affairs.

By Mr. CLAYPOOL: A bill (H. R. 26118) granting an increase of pension to George M. Walton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26119) to remove the charge of desertion from the record of George Osborn, alias George Allen; to the Committee on Military Affairs.

By Mr. CRAGO: A bill (H. R. 26120) granting a pension to Mary Jane Kuhns; to the Committee on Invalid Pensions.

By Mr. HENSLEY: A bill (H. R. 26121) for the relief of Louis Burle, alias Ganter; to the Committee on Military Affairs.

By Mr. HOLLAND: A bill (H. R. 26122) for the relief of William Allman and others; to the Committee on Claims.

By Mr. KENDALL: A bill (H. R. 26123) granting a pension to Virginia A. Hunt; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 26124) for the relief of John Dennis; to the Committee on Military Affairs.

By Mr. POST: A bill (H. R. 26125) granting a pension to Henrietta Gard; to the Committee on Pensions.

By Mr. WILLIS: A bill (H. R. 26126) to remove the charge of desertion from the military record of Joseph P. Leiter; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOWMAN: Petitions of H. E. Young, of Alden Station, and of Hanover Council, No. 251, Junior Order United American Mechanics, of Sugar Notch, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. BUTLER: Memorial of Spring City Council, No. 900, Junior Order United American Mechanics, Spring City, Pa., and of Paoli Council, No. 500, Paoli, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FITZGERALD: Petition of the Inventors' Guild, favoring commission to investigate need of change in patent laws; to the Committee on Patents.

Also, petition of the National Association of Talking Machine Jobbers of Pittsburgh, Pa., against passage of House bill 22417, relative to change in patent laws; to the Committee on Patents.

By Mr. FULLER: Petition of the National Liberal Immigration League, favoring two battleships each year; to the Committee on Naval Affairs.

By Mr. HARTMAN: Petition of the American Opera House, Hopewell. Pa., favoring the passage of House bill 22527, for restriction of immigration; to the Committee on Immigration and Naturalization.

Also, petition of the National Association of Talking Machine Jobbers of Pitttsburgh, Pa., against passage of the Oldfield bill, proposing change in patent laws; to the Committee on Patents.

By Mr. LINDSAY: Memorial of the National Association of Talking Machine Jobbers of Pittsburgh, Pa., against passage of the Oldfield bill, proposing change in the patent law; to the Committee on Patents.

By Mr. PARRAN: Petitions of George Bancroft Council, No. 571, and of Fourth Estate Council, No. 170, Order Independent Americans, favoring passage of House bill 25309, requiring the flag of the United States to be displayed on all lighthouses of the United States and insular possessions; to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: Petition of citizens of Lansford, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, petition of Bishop Rowe, of Alaska, favoring betterment of conditions of natives of Alaska; to the Committee on the Territories.

By Mr. REILLY: Petition of the National Association of Talking Machine Jobbers of Pittsburgh, Pa., against passage of the Oldfield bill, proposing change in patent law; to the Committee on Patents.

SENATE.

MONDAY, *August 5, 1912.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 4838) to amend section 96 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The message also announced that the House had passed the bill (S. 7163) authorizing the State of Arizona to select lands within the former Fort Grant Military Reservation and outside of the Crook National Forest in partial satisfaction of its grant for State charitable, penal, and reformatory institutions, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution, in which it requested the concurrence of the Senate: